

# WILLOW GRANDE

An architectural rendering of a multi-story brick building named Willow Grande. The building features a mix of brick and light-colored stone or concrete accents, particularly around the windows and balconies. It has several floors with balconies and a prominent arched entrance at the ground level. The scene is set against a vibrant sunset sky with shades of orange, pink, and purple. The foreground shows some landscaping with trees and a paved area.

Presentation to: Louisville Metro  
Planning Commission

February 25, 2015

Frost Brown Todd  
Joseph & Joseph

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# Tab 1

## Project Location



## Existing Aerial View from the East



## Existing Aerial View from the South



## Existing Aerial View from the North



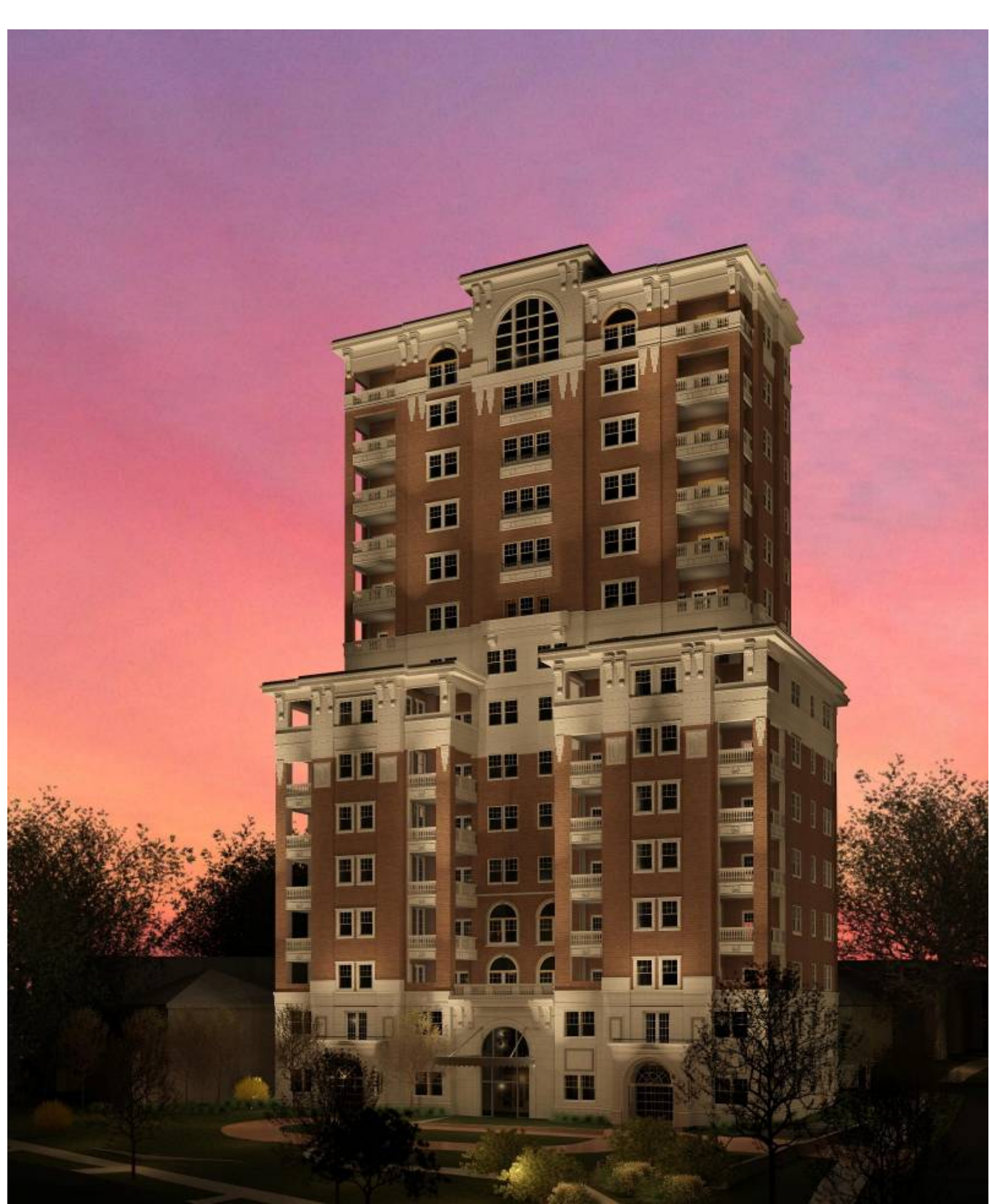
**Street Level View from the East**



# Street Level View from the South







**Front Rendering from corner of Willow and Baringer**



**Rear Rendering**

# Aerial View from the East with Proposed Building Superimposed



# Tab 2

## Certificate of Appropriateness





FILE

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**Historic Landmarks and Preservation Districts  
Commission**

**Certificate of Appropriateness**  
Report of the Architectural Review Committee

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**Case No:** 10953-CT  
**Classification:** Committee

**GENERAL INFORMATION**

**Property Address:** 1418 and 1426 Willow Avenue

**Applicant:** (Owner)

**Owner:** Kevin D. Cogan c/o  
Willow Grande, LLC  
1706 Bardstown Rd  
Louisville (05)

**Architect:** C. Merrill Moter III c/o  
Joseph & Joseph Architects  
550 S. Fourth St  
Louisville (02)

**Contractor:** TBD

**Estimated Project Cost:** \$25,000,000

**Description of proposed exterior alteration**

The applicant requests approval for: the demolition of the existing Bordeaux apartment complex at 1418 Willow Avenue and associated improvements and construction of a new multi-family residential structure on the combined sites. The new structure will be 17 stories (213'-2") high containing 24 dwelling units, lower level garage. Total floor area for the project is 114,238 square feet.

**Communications with Applicant, Completion of Application**

The application was received on April 14, 2008. Staff contacted the applicant regarding the application regarding additional materials required to complete the submittal on April 17, 2008.

The applicant also met once with staff and twice with a subcommittee of the Cherokee ARC to discuss the proposed project, concepts, and information necessary to submit the application.

An amended application was received on October 18, 2011. Staff contacted the applicant regarding the application regarding additional materials required to complete the submittal on November 3, 2011. The application was deemed complete on December 1, 2011 and classified as appropriate for Committee level review on the same day.

The case is scheduled for a hearing at the regular meeting of the Cherokee Triangle Preservation District Review Committee on December 14, 2011, with notice mailed not less than seven days before the meeting to the applicant, abutting property owners, and persons requesting notification.

The Cherokee Triangle Architectural Review Committee met on December 14, 2011 with Chairman Eggers, Mr. Mims, Ms. Weeter, Ms. Brooks, and Ms. Orr in attendance. The staff report was not presented by prior request from the applicant team so that they may address the committee. The applicant team requested deferral of consideration so that they might study the staff report more in depth and submit designs revised to respond to the deficiencies noted in the staff report. Ms. Orr made a motion, seconded by Ms. Weeter, to defer consideration of the application until January 25 at 4:30 p.m. in the Old Jail. Motion carried 4-1, Mims dissenting

The Cherokee Triangle Architectural Review Committee met on January 25, 2012 to review the application with Chairman Eggers, Mr. Mims, Ms. Brooks, and Ms. Orr in attendance. Following the staff report the applicant team made a presentation and distributed a bound booklet, dated January 25, 2012, of information summarizing and illustrating the points made during the applicant team's presentation in response to the staff report and staff findings. Public testimony was taken in opposition to and in favor of the proposal. The applicant team made rebuttal statements. The committee then closed the hearing and deliberated. Mr. Mims made a motion to approve the project based on the findings and conclusions of the staff report, but also modified to include the testimony and newly submitted materials of the applicant. Ms. Orr seconded the motion. The motion failed for lack of a majority – Mims and Eggers – aye, Orr and Brooks – nay. After discussion it was concluded that the committee would be unable to create a motion that would achieve necessary majority vote. The committee, with advice from counsel John Carroll, considered deferral until such time as other members of the committee could join the review. Those members will need to review the record prior to the next meeting to properly participate in deliberation and decision. Mr. Mims made a motion to defer to Wednesday February 22 at 4:30 p.m. in the Old Jail. The motion was seconded by Ms. Orr. Motion carried 4-0.

The Cherokee Triangle Architectural Review Committee met again on February 22, 2012 to review the application with Chairman Eggers, Mr. Mims, Ms. Brooks, Ms. Orr, and Michael Gross in attendance. Committee member Joanne Weeter, after consulting with County Attorney's office, recused herself from participation in the review due to a conflict of interest. Assistant County Attorney John Carroll provided a summary of activity to date for the committee as well as options for decision – approval, approval with conditions, denial, or deferral. Committee member Gross confirmed he had received full copies of the record of the case to date and was prepared to participate in the committee review. The public hearing having been closed at the last meeting, no public testimony was taken and the committee began deliberations. Ms. Brooks made a motion, seconded by Ms. Orr, to deny the application based on non-conformance with Guideline NC1. The motion failed – Brooks and Orr voting Aye; Eggers, Gross, and Mims voting Nay. Mr. Mims made a motion, seconded by Mr. Gross, to approve the project based on the findings and conclusions of the staff report modified to include the testimony and newly submitted materials of the applicant with the conditions that the front drive area will be re-evaluated for better conformance to design guidelines and submitted to staff for review for review and approval and that the upper portion of the building be set back on all 4 sides. The motion carried – Eggers, Gross, and Mims voting Aye; Brooks and Orr voting Nay. The demolition of the Bordeaux Apartments was next considered. Mr. Mims made a motion, seconded by Gross, to approve the demolition with the condition that no wrecking permit will be issued until a permit for construction of the new building is issued. The motion carried all Aye.

## **FINDINGS**

### **Guidelines**

The following design review guidelines, approved for the Cherokee Triangle Preservation District, are applicable to the proposed exterior alteration: Demolition, New Construction Residential, Site. 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**

The site is located at the southwest corner of the intersection of Willow and Baringer Avenues. It includes the apartment complex known as the *Bordeaux Apartments*, as well as a single family residence adjacent to the south, 1426 Willow.

The *Bordeaux Apartments* are approximately 40 years old and were in place at the time of district designation. The *Bordeaux* is described in the district designation report as "an admixture of various historic elements: French

Chateau, Doric, Queen Anne, Rococo- all used in a totally unimaginative, inharmonious way." This structure is an example of a later type of development in the district characterized by the demolition of historically significant structures for higher density buildings of a different height and massing, orientation, and site layout compared to the historic pattern of buildings in the nearby context as well as a lower level of architectural design.

The structure located at 1426 Willow Avenue is a 2 ½ story brick home designed by architect Hugh L. Nevin and constructed circa 1923. It is a contributing, historic structure within the district located in the historic line of homes original to the block. This structure, along with 1430 Willow to the south, is the last remaining vestiges of the historic, residential blockface.

At this location Willow Avenue westward is more akin to Cherokee and Eastern Parkways in its scale of buildings, parkway-like appearance, and direct linkage to Cherokee Park. Earlier, single family type homes have been replaced along this block of Willow with much larger structures to varying degrees of success of compatibility with surrounding architectural context. Adjoining streets such as Baringer, Edgeland, and Midland retain their original tight residential development pattern.

In the immediate vicinity across Baringer are the Dartmouth (11 stories) and Willow Terrace (8 stories) residential towers. They were both designed by Joseph & Joseph and constructed in 1928 and 1924 respectively. The district designation report describes them as buildings that work well together and at best "neither appears incongruous with regard to the larger neighborhood." While somewhat lukewarm on their relationship to the district the report accepts that these taller buildings sustain a relationship with their sites within the district due to adjacency with the park and each other. Their height is further mitigated by their level of cohesive and thoughtful detailing, proportions, and massing. It might also be stated that their location in a lower valley of the district's topography enables them to better blend in with the district and somewhat mitigate their additional height.

The other large building in the context and of comparable in height to the proposed project is the 1400 Willow building. Originally the site of 5 single family residential structures the 1400 Willow has 20 stories on its low or front side and 17 at the rear due to the sloping topography of the site. It occupies the southwest corner of Willow Avenue and Cherokee Road. The site is within a valley that is a unique confluence of 4 streets, Willow Park, and Cherokee Park and being on the edge of the district and residential development pattern. The project was begun prior to district designation in 1976 but halted due to financial issues and at the time of designation the tower only consisted of the building's base. The project was restarted in 1978 and completed soon thereafter as it stands today. The district designation report does not reference the structure at all, nor are there any subsequent assessments or related approvals by



Landmarks staff. The "Louisville Survey East Report" of 1979 and commissioned by the City of Louisville Community Development Cabinet similarly describes surrounding structures in detail but makes no mention of the 1400 Willow. Stylistically the structure echoes the Beaux Arts influences of the Dartmouth or Willow Terrace but very much stands alone due to its sheer size and scale. It exists today as a building on its unique site within the historic district but without real connection to the surrounding area aside from Cherokee Park. As such it may be considered a non-contributing structure in the district. It has many unique qualities but should not serve as a reference for design of new construction that is compatible with the character of the historic district.

### **The Proposal**

The project site will be a combination of 2 lots assembled for the proposal. The Bordeaux Apartments are to be demolished and the residence at 1426 Willow will remain in its current location and be used in conjunction with the new project, possibly as offices, meeting space, or other similar use. The proposed structure has a rectangular footprint and is set back toward the rear of the site, behind and next to the 1426 structure. A swimming pool and patio are located directly behind the new building and extending to the alley in the rear of the site. Vehicular access will occur from Baringer Avenue leading into a 52 space lower garage level within the building as well as a circular front drive. The forward corner of the site at the intersection of Baringer and Willow is an acute angle that will primarily contain landscaping. The structure itself rises 9 stories at which point the front, side, and portions of the rear walls are stepped in and rise another 8 stories for a total of 17 stories - a total height of 213' - from front yard grade.

The structure utilizes various methods to visually articulate the large volume and integrate it into the context, particularly that of the larger Willow Terrace, Dartmouth, and 1400 Willow buildings. The style of the building is generally Beaux Arts reminiscent of the Willow and Dartmouth structures and Willow Terrace. The building utilizes a classic base/shaft/cap arrangement characteristic of the style with variation in material from cast stone to brick to define these elements. The building has 2 primary masses - floors 1 thru 9 provide a larger massing detailed to relate to the Dartmouth and Willow Terrace in size and height. At the 10<sup>th</sup> floor the massing steps in for a more slender portion from floors 10 thru 17 and rising to a height comparable to 1400 Willow. At floor 10 the top of the lower mass is detailed as a cornice signified by change in material from brick to cast stone and cornice type detailing such as brackets, offsets, and parapet cap. The top of the upper massing is again treated with cornice style detailing to define the building's top. The body of the building is finished with brick and "punched" window openings comparable to the Dartmouth and Willow Terrace. The grade level front entry is clearly defined in detail as well as a recess in the building volume. The rear façade facing Baringer as originally submitted contains very few windows reflecting the interior layout of elevator shafts, stairwells, and other back of house spaces. A revised drawing was

submitted at the hearing of January 25 of the rear façade with additional window openings provided

The site layout provides a sizeable front yard and entry area comparable to the Dartmouth and Willow Terrace to be similarly landscaped and detailed to a high level to be compatible with the high style of the building. This pushes the building back into the site and close to the rear alley.

The topography of the area generally descends to the 1400 Willow from Cherokee Park, Willow Avenue, Eastern Parkway, Cherokee Parkway as well as other connector streets from Bardstown Road such as Baringer. The heavily treed park extends nearly to 1400 Willow.

### **CONCLUSIONS (additional committee findings and conclusions following)**

*Other Approvals* -- As to the Land Development Code the subject site is zoned R7 and is Traditional Neighborhood Form District. The site would be classified as "infill" which requires that multifamily infill observe the traditional residential site layout of front yard/building/private yard/accessory structure area. Additionally new structures on an infill site should observe front and side setbacks, and overall building height, comparable to surrounding structures to achieve optimum compatibility in building massing and location. The proposal generally aligns with the front and side setbacks and orientation of the Dartmouth and Willow Terrace but less so with surrounding smaller historic structures. The proposal also exceeds the height of the surrounding structures, and the "floor area ratio" allowed by R7 zoning. The proposal will need to be rezoned to a more dense zoning classification and may require waivers/ and or variances from the dimensional requirements of the code.

*Demolition of the Bordeaux Apartments*- Considering the incompatible nature of the *Bordeaux Apartments* with the historic character of the district as documented in the district designation report, this structure is significantly out of character with the surrounding historic fabric and would be classified as a non-contributing, non-historic structure in the district. Hence, the demolition of the *Bordeaux Apartments* could be approved provided an appropriate replacement is also proposed.

While the demolition of the *Bordeaux Apartments* may be considered, as allowed by the Demolition Guidelines for non-contributing structures, they must be replaced by a structure or structures of appropriate design as guided by the New Construction, Residential Design Guidelines. Additionally, the Demolition Guidelines state that "In the case of applications to demolish both contributing and non-contributing buildings, Certificates of Appropriateness for demolition will not be granted until the design for new construction has been reviewed and approved by the ARC and/or the Commission." Design sensitivity and

compatibility of scale and massing with the established and intact historic context- structure and development pattern- are the basic concepts for successful replacement

*New Construction-* At 17 stories the structure will be 7 stories taller than the Dartmouth, 9 stories taller than the Willow Terrace and 12 to 15 ½ stories taller than adjacent residential structures. The structure would be comparable in height to the 1400 Willow. The design attempts to mitigate the extra height principally by stepping back the front and side facades beginning at the 10<sup>th</sup> story. This method does begin to relate the building nicely to the Dartmouth in particular but starkly contrasts with its other immediate neighbors.

Fundamentally the project is situated among a variety of scales of development and historic structures, namely: a) 2 ½ to 3 story single family and multifamily types of buildings in immediate vicinity to east and south and across street to north; b) 10 story Dartmouth and 8 story Willow Terrace across street to west; and c) 20 story 1400 Willow down the street; and d) 4 and 5 story apartment buildings across street and nearby. Given the variety of context it would be helpful to analyze each, determine levels of relative compatibility with each, and then ultimately the district as a whole:

- a. Immediate building context The building is much taller than the buildings immediately adjacent north, east, and south. The topography slopes so that the new building is actually set lower than buildings north and south but not east, this helps somewhat at least for a few stories – the equivalent of the topography change. The architectural design is closely modeled on the Dartmouth, not these smaller buildings. There is existing precedent for adjacencies of different scale such as at the Dartmouth but this was in place prior to establishment of the district and its guidelines – this condition exists but may not be enough to say it is a good condition or one to be modeled, especially in light of the guideline language. New building is 8 to 10 times the height of some of these buildings. The rear façade is very blank, particularly at the lower levels. This could be seen as a negative in terms of a 10 story blank wall facing a 2 story home or a positive in terms of neighbor to neighbor visibility and views. The pool and patio design and screening may assist with some screening at these areas from adjacent single family residential but would not address the larger building juxtaposition. Conclusion: Non-compliance with guidelines NC4, NC10, and NC20.
- b. Extended building context – Dartmouth and Willow Terrace. The new building most directly relates in site layout, footprint, and 9 story base height to the Dartmouth across the street. Although across the street from each other the 2 buildings each set on a corner seem to make an entry way into the neighborhood and

relate very well to each other. The upper stories of the new building, however, result in a building nearly *twice as high as the Dartmouth*. This height discrepancy would work against this relationship of the 2 buildings. As seen from street level it may be possible to retain 1 or 2 floors of the upper, set back massing with very little visibility from street level. The juxtaposition of the Willow and Dartmouth buildings to the adjacent single family residential buildings yet separated by an alley appears to have developed a peaceful coexistence over time without lasting negative impact to the smaller scale development. This could be seen as a detailed characteristic of the district at this location but interjection of a new, similar juxtaposition and its impact on the district may or may not have the same result with respect to the New Construction guidelines. Conclusion: NC4 plus/minus; NC10 plus; NC20 plus for the base alone, minus for the additional 8 stories.

- c. Extended building context – 1400 Willow. The new building in overall height is most comparable to the 1400. The 1400 Willow was under construction at the time of district designation and is not considered, at that time, to contribute to the district's historic significance although over time it has come to be a unique building in the district. There was no landmarks review for this project as it was underway at time of designation. Generally its great height seems to work well facing the expansive intersection and park beyond to the north. It also takes the same advantage of the dropping topography to lessen the impact of its height on its nearby neighbors. Its juxtaposition to its small neighbors immediately to the south is quite staggering but was in place at the time of district designation and over time has just coexisted as is. Again, this could be seen as a detailed characteristic of the district at this location but interjection of a new, similar juxtaposition and its impact on the district is problematic with respect to the New Construction guidelines. Topography-wise the 1400 is somewhat downhill from the new building. NC4 – not applicable as the 1400 is not defined as part of the district's historic significance; NC10 – not applicable as the 1400 does not establish itself as part of the streetscape pattern of similarly designed facades – its base is actually quite bland and car oriented; NC20 – while the height of the new building is comparable to the 1400 it is separated by an entire block and dropping topography. It is doubtful due to this geography and intervening structures and landscape that the new building could be visually relatable from a street level perspective.
- d. 4 and 5 story apartment buildings across street and nearby. These are somewhat sporadic and variously tucked into the surrounding residential context. There is little relationship to these buildings with the proposed

Viewed either in the context of the immediate surroundings or in context of larger buildings in the district the project remains a large building within a context of smaller buildings but with careful attention to step backs and offsets in main massing and detailing the building's base (floors 1 through 10) is comparable to specific adjacent structures – namely the Dartmouth and Willow Terrace. A relationship to the non-historic 1400 Willow is tenuous due to distance and topography and may not be desirable to the 1400's lack of historic value and contribution to the district. As such the proposal does not conform to the following guidelines: NC1 – to be addressed by review of the Planning Commission. The proposal exhibits some non-conformance to guidelines: NC3, NC4, NC7 thru NC12, NC14, NC20, NC22 thru NC27, NC35, NC36, ST1, ST2, and ST9. See specific commentary above and for each guideline on the attached detailed findings of fact with regard to conformance or nonconformance to the New Construction, Residential and Site Design Guidelines.

#### **ADDITIONAL COMMITTEE FINDINGS AND CONCLUSIONS**

At its hearing of February 22, 2012 the Architectural Review Committee additionally finds and concludes that:

- A. The revised rear elevation submitted for the January 25, 2012 meeting includes additional window openings and improves conformance with guidelines NC11, NC12.
- B. The revised/clarified site plan submitted for the January 25, 2012 meeting correctly identifies the location of the existing house to remain on site.
- C. The new drawing of the proposed screen wall detail around the pool submitted for the January 25, 2012 meeting shows the material and detailing of this screen wall.
- D. The testimony and data provided by the applicant team as detailed in the presentation booklet dated January 25, 2012 addresses non-conformance with guidelines NC3, NC4, NC7, NC8, NC9, NC10, NC11, NC12, NC20, NC27, NC35, and NC36.

#### **DECISION**

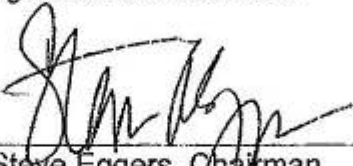
**1. On the basis of the information furnished by the applicant the application for a Certificate of Appropriateness to construct the Willow Grande project is APPROVED WITH CONDITIONS:**

- a. The front, vehicular area is re-evaluated to minimize paving area for better compatibility with adjacent front yards of the Dartmouth and Willow Terrace. This shall be submitted to staff for review and approval.
- b. The upper portion of the building (floors 10 thru 17) shall be set back on all 4 sides from the building portion below

**2. On the basis of the information furnished by the applicant the application for a Certificate of Appropriateness to demolish the Bordeaux Apartments is APPROVED WITH CONDITION:**

- a. The wrecking permit shall not be issued until a permit is issued for construction of the new building.**

*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*



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Steve Eggers, Chairman  
Cherokee Triangle Architectural Review Committee

*March 30, 2012*

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Date

**Attached Documents / Information**

- 1 Applicant submittal documents including booklet dated January 25, 2012 presented to the committee.

**DECISION**

**1. On the basis of the information furnished by the applicant the application for a Certificate of Appropriateness to construct the Willow Grande project is APPROVED WITH CONDITIONS:**

- a. The front, vehicular area is re-evaluated to minimize paving area for better compatibility with adjacent front yards of the D artmouth and Willow Terrace. This shall be submitted to staff for review and approval.**
- b. The upper portion of the building (floors 10 thru 17) shall be set back on all 4 sides from the building portion below**

# NEW CONSTRUCTION

## RESIDENTIAL DESIGN GUIDELINES

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

	Guideline	Finding	Comment
NC1	Make sure that new designs conform to all other municipal regulations, including the Metro Land Development Code and Zoning District Regulations.	-	Does not meet infill residential site design requirements for multi-family residential structures in Traditional Neighborhood form district, nor R7 zoning floor area ratio requirements.
NC2	Do not demolish contributing structures in a historic district to make way for new or large-scale construction. Non-contributing buildings are identified in each of the district or individual landmark designations or National Register nominations.	NA	Buildings to be demolished are not historic nor contributing to the historic character of the district
NC3	Design new construction so that the building height, directional emphasis, scale, massing, and volume reflect the architectural context established by surrounding structures.	+/-	See detailed analysis on pages 5 thru 9.
NC4	Make sure that the scale of new construction does not conflict with the historic character of the neighborhood	+/-	See detailed analysis on pages 5 thru 9.
NC5	Incorporate materials and design elements that complement the color, size, texture, and level of craftsmanship seen in surrounding buildings.	+	Primary materials are to be cast stone and brick and wood balconies of a high level of detail characteristic of the district.
NC6	Do not use materials in new construction that are visually incompatible with surrounding historic buildings within the district. Materials to be avoided include: ornamental pierced concrete masonry screens and walls, "antiqued" brick, wrought-iron porch columns, chain-link fencing, exterior carpeting, jalousie windows, glass block, picture windows, unpainted wood, and asphalt siding.	+	

<b>NC7</b>	Design new construction to reinforce the human scale of historic districts where this is a character-defining feature	+/-	Human scale is very much a characteristic of this district. The building has a well-defined base, a high degree of fenestration, and variation in plane and detail that are common methods of retaining human scale. The extended front yard helps to lessen the impact of the tall building on the streetscape but conversely pushes it right next to single family building types in the rear. See also detailed analysis on pages 5 thru 9.
<b>NC8</b>	Design new construction in such a way that it does not disrupt important public views and vistas.	+/-	There are important views and vistas in this area particularly with regard to views of the Cherokee Parkway, Willow park, and ultimately Cherokee Park. The building sets back from Willow Ave to avoid a disruption of the view on the Willow streetscape but has significant impacts to potential views of the park from the surrounding neighborhood to the rear of the building.
<b>NC9</b>	Reinforce existing patterns of open space and enclosure, created by circulation routes, fences, walls, lawns, and allees of trees, in designs for new construction.	+/-	See detailed analysis on pages 5 thru 9. Pattern of open space of enclosure most directly relates to Dartmouth & Willow Terrace but not adjacent residential and small scale multifamily
<b>NC10</b>	Design infill construction that reinforces the spatial organization established by surrounding buildings. The character of historic streetscapes relies heavily on the visual continuity established by the repetition of similarly designed facades.	+/-	See detailed analysis on pages 5 thru 9. Spatial organization most directly relates to Dartmouth & Willow Terrace but not adjacent residential and small scale multifamily
<b>NC11</b>	Design infill construction in such a way that the facade's organization closely relates to surrounding buildings. Window and door openings should be similar in size to their historic counterparts, as should the proportion of window to wall space. Cornice lines, columns, and storefronts are other important character-defining facade elements.	+/-	See detailed analysis on pages 5 thru 9. Façade organization most directly relates to Dartmouth & Willow Terrace but not adjacent residential and small scale multifamily
<b>NC12</b>	Design new construction so that the building mass has a similar sense of lightness or weight as surrounding historic structures. Mass is determined by the proportion of solids (walls) to voids (window and door openings). Historic window proportions are generally two-and-one-half (height) by one (width).	+/-	See detailed analysis on pages 5 thru 9. Building mass most directly relates to Dartmouth & Willow Terrace but not adjacent residential and small scale multifamily
<b>NC13</b>	Develop designs for new construction using windows that are sympathetic to the window patterns of surrounding buildings. Use of comparable frame dimensions, proportions, and muntin configurations is encouraged.	+	Window styles on the proposed as well as Dartmouth and Willow Terrace are actually of a scale comparable to smaller scale residences



NC14	Develop designs for new construction using front doors that are sympathetic to the door patterns of surrounding buildings. Use of comparable frame dimensions, proportion, and panel and light configuration is encouraged.	+	See detailed analysis on pages 5 thru 9. Large, detailed entry design most directly relates to Dartmouth & Willow Terrace but not adjacent residential and small scale multifamily
NC15	Design new construction so that the orientation of the main entrance is the same as the majority of other buildings on the street	+	Facing Willow Ave
NC16	Incorporate paved walks between sidewalks and the front entrances for new construction located on streets where this is a character-defining feature.	+	
NC17	Retain the character defining features of a historic building when undertaking accessibility code-required work.	NA	
NC18	Investigate removable or portable ramps as options to providing barrier-free access.	NA	
NC19	Locate handicapped access ramps on secondary elevations wherever possible. If locating a ramp on the primary façade is required, it should be installed in a manner that does not damage historic fabric and is as unobtrusive as possible.	NA	
NC20	Design infill construction so that it is compatible with the average height and width of surrounding buildings.	+/--	See detailed analysis on pages 5 thru 9.
NC21	Design new construction to have a floor-to-floor height that is within 10 percent of adjacent historic construction where the floor-to-floor height is relatively consistent, and a character-defining feature.	+	
NC22	Maintain the historic rhythm of the streetscape. The space between new construction and existing structures should fall within 20 percent of the average spacing for the block	+/-	The proposed is very tight to the existing building to remain and to those in the rear. Willow and Baringer setbacks are comparable to Dartmouth and Willow Terrace
NC23	Maintain historic setback patterns. In order to maintain the continuity of the streetscape, setbacks for new construction should either match that of adjacent buildings where all share the same setback or be within 20 percent of neighboring structures in areas with varied setbacks.	+/-	The proposed is very tight to the existing building to remain and to those in the rear. Willow and Baringer setbacks are comparable to Dartmouth and Willow Terrace
NC24	Ensure that the roofs of new buildings relate to those of neighboring historic structures in pitch, complexity, and visual appearance of materials	+/--	The proposed is comparable to Dartmouth and Willow Terrace but not adjacent single family and small scale multifamily with predominantly sloped shingle roofs
NC25	Follow the precedent set by adjacent buildings when designing rooflines for infill construction. Where the predominant form is flat, built-up roofs are preferred. Where the predominant form is complex and steeply pitched, that is preferred. In blocks characterized by shallow-pitched roofs and pronounced overhangs with exposed rafters, these elements should be incorporated.	+/--	See NC24
NC26	Design new construction so that the orientation of the main roof form is parallel with the majority of other roofs on the street, where roof forms are relatively consistent and a character-defining feature.	+/-	See NC24
NC27	Design new construction to emphasize the existing cornice line on each block where this is a character-defining feature.	+/-	The proposed is comparable to Dartmouth and Willow Terrace but not adjacent single family and small scale multifamily.

NC28	Integrate mechanical systems into new construction in such a way that rooftops remain uncluttered.	NSI	No rooftop units shown at this time
NC29	Make provisions for screening and storing trash receptacles when designing new construction.	NSI	Not yet indicated
NC30	Use an exterior sheathing that is similar to those of other surrounding historic buildings. While use of wood siding is preferred, vinyl siding may be used for new construction, but only in areas where the predominant historic construction material is wood.	+	Brick and stone primarily
NC31	Use masonry types and mortars that are similar to surrounding buildings in designs for new construction. Red brick is the most common masonry material found throughout the city's historic districts.	+	
NC32	Incorporate stone or cast-stone sills and lintels into new construction designs on blocks where such elements are character-defining features.	NSI	
NC33	Do not use modern "antiqued" brick in new construction.	NSI	
NC34	Design new construction to have a raised masonry foundation, which is compatible in proportion and height with surrounding buildings. Foundation materials may be of a warm-toned poured concrete, split-face concrete block, or stuccoed concrete block that has a uniform, textured appearance.	+	
NC35	Incorporate front porches on blocks where they are character-defining features. Design of new porches should be compatible with the form, scale, and detailing of surrounding buildings. On blocks where porch columns are prevalent, new columns should always consist of a base, shaft, and capital, and convey the appearance of actually holding up the porch roof.	+/-	The proposed is comparable to Dartmouth and Willow Terrace but not adjacent single family and small scale multifamily
NC36	Design porches on newly-constructed buildings so that the floor is even with or a maximum of one step below the corresponding floor of the house, the ceiling is even with that of adjacent rooms, the floor is at least 6' deep, the rhythm of the porch bays matches the facade's pattern of solids and voids, and the porch fascia board matches the height of the window head.	+/-	The proposed is comparable to Dartmouth and Willow Terrace but not adjacent single family and small scale multifamily
NC37	Design new garages or other secondary structures so that they complement the scale, roof form, setback, and materials of adjacent secondary structures.	NA	No separate garage proposed. Parking is to be in the lower level under the residential units and in rear yard.
NC38	Site new garages adjacent to alleys where present. Review the garage prototype insert that identifies styles appropriate to preservation districts when planning a garage construction project.	NA	
NC39	Where no alleys exist, garages should be sited at the rear of the property behind the main house. Garage doors should not face the street, and access should be along the side yard. Landscape screening along the driveway is encouraged.	NA	
NC40	Use of smaller, single garage doors rather than expansive double or triple doors is preferred.	NA	
NC41	Orient the roofline of a new garage so that it is parallel with the main house or follow the predominant pattern of existing secondary structures where such a pattern exists.	NA	
NC42	Roof pitch should be no less than one in six. Where the roof form of the main house is character-defining, owners are encouraged to echo the form of the main house.	NA	Guideline intended for garage roofs, not proposed
NC43	Design new construction so that access to off-street parking is off alleys or secondary streets wherever possible.	+	

<b>NC44</b>	Incorporate storm-water management provisions into the design of new construction, so that any related runoff will not adversely impact nearby historic resources.	NSI	This item will also need to be reviewed and approved by MSD
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# SITE

## Design Guideline Checklist

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

	Guideline	Finding	Comment
ST1	Consider the relationships that exist between the site and structure when making exterior alterations. Changes to one will affect the other. A primary goal should be to maintain a complementary relationship.	+/-	See detailed analysis on pages 5 thru 7.
ST2	Retain established property line patterns and street and alley widths. Any replatting should be consistent with original development patterns.	+/-	2 lots will be combined to accommodate the large building.
ST3	Use paving materials that are compatible with adjacent sites and architectural character.	+	Materials for exterior paved areas are indicated to be comparable to Willow Terrace and Dartmouth
ST4	Restore and reuse historic paving materials for streets and sidewalks such as brick and hexagonal pavers and limestone curbing. Maintain original curbing whenever possible. The historic relationship between the road surface and edging should be preserved. Any replacement should use historic materials. 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.	NSI	
ST5	Maintain brick, stone, or poured concrete steps wherever present. If replacement is required, original materials should be used. New construction should incorporate steps on blocks where they are a character-defining feature.	+	
ST6	Do not harm historic resources through road widening or underground utility repair.	NA	
ST7	Locate driveways, parking areas, and loading docks to the side and rear of properties. Access from alleys is preferred.	+	
ST8	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 recontour front-yard berms into stepped terraces, using railroad ties, landscape timbers, or any other historically-inappropriate material for retaining walls.	+	

<b>ST9</b>	Do not carry out excavations or regrading within or adjacent to a historic building, which could cause the foundation to shift or destroy significant archeological resources.	NSI	Removal of existing structures and construction of new, large structure may impact neighboring, historic structures. Installation of lowered level may provide access to archeological resources
<b>ST10</b>	Do not install masonry walls in street-visible locations unless they are used to retain earth at changes in grade, screen service areas, or unless a historic precedent exists.	NA	
<b>ST11</b>	Use materials that match existing sections of historic fencing in material, height, and detail when carrying out limited replacement projects. If an exact match cannot be made, a simplified design is appropriate.	NA	
<b>ST12</b>	Use materials that match the existing character of the original when replacing retaining walls or curbing. If an exact match cannot be made, a simplified design is appropriate.	NA	
<b>ST13</b>	Install only historically-compatible iron fencing less than 2'-5" in height where there is demonstrable historic precedent.	NA	
<b>ST14</b>	Do not install front-yard fencing where there is no historic precedent.	NA	
<b>ST15</b>	Install any rear- or side-yard privacy fencing so that it is set back from the side wall at least two feet and presents the finished side out. Any privacy fencing should be less than seven feet in height. Contact the Department of Inspections, Permits, and Licenses regarding additional restrictions on fencing at corner properties.	NSI	Screening of pool and patio areas to be confirmed
<b>ST16</b>	Do not install chain-link, split-rail, or woven-wood fencing, or concrete block walls in areas that are visible from a public way. Opaque fencing, such as painted or stained pressure-treated wood, may be permitted with appropriate design.	+	
<b>ST17</b>	Use understated fixtures when installing any type of exterior lighting. Fixture attachment should be done so as not to damage historic fabric. Fixtures should not become a visual focal point.	NSI	Exterior lighting not indicated
<b>ST18</b>	Do not light parking areas or architectural features in a harsh manner. Generally, an average illumination level of 15 to 20 foot-candles will be sufficient. Light should be directed down and away from neighboring properties.	NSI	Exterior lighting not indicated
<b>ST19</b>	Parking lots of a certain size should have a portion of the parking area dedicated to plantings that will soften the expanse of paving. See the Jefferson County Development Code - Requirements for Landscaping and Land Use Buffers for specific requirements.	+	Amount of surface parking is limited and located in rear, landscaping requirements are minimal. Shall also be reviewed as part of the re-zoning application
<b>ST20</b>	Use high-pressure sodium or metal halide lights to create a soft illumination where site or streetscape lighting is desired.	NA	
<b>ST21</b>	Position fixtures, such as air conditioning units, satellite dishes, greenhouse additions, and overhead wiring, on secondary elevations where they do not detract from the character of the site. Try to minimize noise levels to adjacent properties.	NSI	Utilities and associated fixtures have not been finalized
<b>ST22</b>	Preserve large trees whenever possible and enhance established street tree patterns by planting additional trees along public rights-of-way. Consult the city arborist to determine what tree species are suitable for placement near overhead wires. Select and place street trees so that the plantings will not obscure historic storefronts once mature. Removal of trees within or immediately adjacent to a public right-of-way or within public open spaces requires review unless directed by the city arborist for emergency or public safety reasons.	+	Street trees are cohesive with the streetscape and are to remain. No significant trees on-site shall remain. Site plan indicates some new, smaller trees on-site to be confirmed

<b>ST23</b>	Ensure that all proposed cellular towers and associated fixtures will be properly screened from view.	NA	
<b>ST24</b>	Install utility lines underground whenever possible.	+	

# Tab 3

## Decision of Landmarks on Appeal





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**Historic Landmarks and Preservation Districts  
Commission**

**Appeal  
Report of the Commission**

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**Case No:** 10953-CT  
**Classification:** Committee

**GENERAL INFORMATION**

**Property Address:** 1418 and 1426 Willow Avenue

**Applicant:** (Owner)

**Owner:** Kevin D. Cogan c/o  
Willow Grande, LLC  
1706 Bardstown Rd  
Louisville (05)

**Architect:** C. Merrill Moler III c/o  
Joseph & Joseph Architects  
550 S. Fourth St  
Louisville (02)

**Contractor:** TBD

**Estimated Project Cost:** \$25,000,000

**Description of proposed exterior alteration**

The applicant requested approval for: the demolition of the existing Bordeaux apartment complex at 1418 Willow Avenue and associated improvements and construction of a new multi-family residential structure on the combined sites. The new structure will be 17 stories (213'-2") high containing 24 dwelling units, lower level garage. Total floor area for the project is 114,238 square feet.

**Project Submittal and Review History**

The application was received on April 14, 2008. Staff contacted the applicant regarding the application regarding additional materials required to complete the submittal on April 17, 2008.



The applicant also met once with staff and twice with a subcommittee of the Cherokee ARC to discuss the proposed project, concepts, and information necessary to submit the application.

An amended application was received on October 18, 2011. Staff contacted the applicant regarding the application regarding additional materials required to complete the submittal on November 3, 2011. The application was deemed complete on December 1, 2011 and classified as appropriate for Committee level review on the same day.

The case is scheduled for a hearing at the regular meeting of the Cherokee Triangle Preservation District Review Committee on December 14, 2011, with notice mailed not less than seven days before the meeting to the applicant, abutting property owners, and persons requesting notification.

#### *ARC MEETING #1.*

The Cherokee Triangle Architectural Review Committee met on December 14, 2011 with Chairman Eggers, Mr. Mims, Ms. Weeter, Ms. Brooks, and Ms. Orr in attendance. The staff report was not presented by prior request from the applicant team so that they may address the committee. The applicant team requested deferral of consideration so that they might study the staff report more in depth and submit designs revised to respond to the deficiencies noted in the staff report. Ms. Orr made a motion, seconded by Ms. Weeter, to defer consideration of the application until January 25 at 4:30 p.m. in the Old Jail Motion carried 4-1, Mims dissenting.

#### *ARC MEETING #2.*

The Cherokee Triangle Architectural Review Committee met on January 25, 2012 to review the application with Chairman Eggers, Mr. Mims, Ms. Brooks, and Ms. Orr in attendance. Following the staff report the applicant team made a presentation and distributed a bound booklet, dated January 25, 2012, of information summarizing and illustrating the points made during the applicant team's presentation in response to the staff report and staff findings. Public testimony was taken in opposition to and in favor of the proposal. The applicant team made rebuttal statements. The committee then closed the hearing and deliberated. Mr. Mims made a motion to approve the project based on the findings and conclusions of the staff report, but also modified to include the testimony and newly submitted materials of the applicant. Ms. Orr seconded the motion. The motion failed for lack of a majority – Mims and Eggers – aye, Orr and Brooks – nay. After discussion it was concluded that the committee would be unable to create a motion that would achieve necessary majority vote. The committee, with advice from counsel John Carroll, considered deferral until such time as other members of the committee could join the review. Those members will need to review the record prior to the next meeting to properly participate in deliberation and decision. Mr. Mims made a motion to defer to Wednesday

February 22 at 4:30 p.m. in the Old Jail. The motion was seconded by Ms. Orr. Motion carried 4-0.

### *ARC MEETING #3.*

The Cherokee Triangle Architectural Review Committee met again on February 22, 2012 to review the application with Chairman Eggers, Mr. Mims, Ms. Brooks, Ms. Orr, and Michael Gross in attendance. Committee member Joanne Weeter, after consulting with County Attorney's office, recused herself from participation in the review due to a conflict of interest. Assistant County Attorney John Carroll provided a summary of activity to date for the committee as well as options for decision – approval, approval with conditions, denial, or deferral. Committee member Gross confirmed he had received full copies of the record of the case to date and was prepared to participate in the committee review. The public hearing having been closed at the last meeting, no public testimony was taken and the committee began deliberations. Ms. Brooks made a motion, seconded by Ms. Orr, to deny the application based on non-conformance with Guideline NC1. The motion failed – Brooks and Orr voting Aye; Eggers, Gross, and Mims voting Nay. Mr. Mims made a motion, seconded by Mr. Gross, to approve the project based on the findings and conclusions of the staff report modified to include the testimony and newly submitted materials of the applicant with the conditions that the front drive area will be re-evaluated for better conformance to design guidelines and submitted to staff for review for review and approval and that the upper portion of the building be set back on all 4 sides. The motion carried – Eggers, Gross, and Mims voting Aye; Brooks and Orr voting Nay. The demolition of the Bordeaux Apartments was next considered. Mr. Mims made a motion, seconded by Gross, to approve the demolition with the condition that no wrecking permit will be issued until a permit for construction of the new building is issued. The motion carried all Aye.

### *COMMISSION CONSIDERATION OF APPEAL.*

The Cherokee Triangle Association (the appellant) filed an Appeal of the ARC's decision to the Commission on March 19, 2012. Willow Grande, LLC (the applicant) filed a response on May 7, 2012. The Commission held a meeting to consider the appeal on June 21, 2012 and heard comments from counsel for the Appellant and the Applicant.

The Commission reviewed the appeal at its regularly scheduled meeting on June 21, 2012 at 8:30 a.m. Members present were: Robert Vice – chair, Jay Stottman, Phil Bills, Bob Bajandas, Chris Hartman, Joanne Weeter, and Tina Ward-Pugh. John Carroll of the County Attorney's Office was also in attendance. Staff confirmed that the record had been made available to all members prior to the meeting. Chairman Vice reviewed the procedures of Appeal as detailed in the Ordinance.

Applicant's counsel raised concern possible conflicts of interest on the part of Commissioner Joanne Weeter. Assistant County Attorney John Carroll noted that possible conflicts of interest have been reviewed by his office and determined that there was no conflict of interest that would prohibit her from participating in the appeal proceedings.

Mr. Carroll also advised that there was no conflict in Commissioner Ward-Pugh's participation although she may be participating in a review of zoning approvals related to the development proposal. The matters before the Commissioner are separate from zoning reviews.

Mr. Seiler, representing the appellant, acknowledged previous submittal documents and then spoke to 3 primary points:

1. History and character of the neighborhood – density & height;
2. Rezoning impacts on neighborhood, impact of ARC's decision on rezoning decisions, and the possibility that the developer would not be able to complete the new project as approved;
3. Possible lack of procedural due process, lack of notice to adjoining property owners.

In conclusion the project should be scaled down, a performance bond be posted, or the matter should be referred back to the ARC for re-review.

Mr. Tim Martin, representing the applicant, then addressed the Commission. Mr. Martin referenced the written response he had previously submitted in to address the appeal. He then referenced the standard of appeal of "clearly erroneous as to finding of fact" stated in the ordinance. He expanded on the following points:

1. The ARC did consider the zoning appropriately;
2. Willow Terrace, Dartmouth, and 1400 Willow are appropriate for consideration by the ARC;
3. Building height was extensively considered;
4. Financial strength of the developer is not an item for consideration by the ARC.
5. There were many neighborhood meetings about the project and notices were properly delivered.

Mr. Seiler then rebutted the comments made by Mr. Martin.

The Commission asked various questions of each party, staff, and counsel, and deliberated on the appeal.

**A motion was made by Commissioner Bajandas, seconded by Commissioner Hartman, that on the basis of the record of the proceedings of the ARC, the appeal and response furnished by the Appellant and Applicant and the comments of counsel, the ARC was not clearly erroneous as to a material finding of fact and the Commission therefore UPHOLDS the decision of the ARC. The motion carried all aye, 7-0.**

The Commission then adjourned

*Robert B. Vice*

Robert Vice, Chairman  
Historic Landmarks and Preservation Districts Commission

*January 15, 2013*

Date

# Tab 4

## Zone Change Justification Statement



## **ZONE CHANGE JUSTIFICATION STATEMENT**

### **Willow Grande Project**

**1418 and 1426 Willow Avenue  
Case No. 17822**

This application involves an approximately 0.88 acre tract located on the west side of Willow Avenue between Eastern Parkway and Baringer Avenue. The site is located at the southwest corner of Willow Avenue and Baringer Avenue in the Cherokee Triangle Neighborhood. The site is currently occupied by the Bordeaux Apartments, a 22 unit apartment complex which includes a three story complex of apartment buildings with mansard roof and with parking at the rear of the site, all approximately 40 years old. According to the Landmarks Commission report, these structures were in place at the time of district designation but are representative of a stylistically unfortunate trend in development along the Cherokee Road corridor in the late 1960's and early 1970's and is significantly out of character with the surrounding historic fabric and would be classified as non-contributing structures in the district. The house located at 1426 Willow Avenue will be renovated and will serve as an amenity for the newly constructed condominiums that are proposed.

The existing zoning in the surrounding area is residential, having a mixture of single family, two-family (R-5B) and multifamily (R-5A, R-6, R-7 and R-8A). Immediately to the north of the site and on the west side of Willow Avenue, across Baringer Avenue, are the 11 story Dartmouth (1416 Willow Avenue – R-8A) and the 8 story Willow Terrace (1412 Willow Avenue – R-8A), both condominium developments that were constructed around 1925. Further to the north, and also on the west side of Willow Avenue, is the 20 story condominium development known as 1400 Willow, constructed in 1980 and zoned R-8A.

The subject property is currently zoned R-7 Multifamily and is located in the Traditional Neighborhood Form District. The applicant is requesting a change in zoning from R-7 Multifamily to R-8A Multifamily to allow for construction of a new 17-story condominium containing 24 units and 50 underground parking spaces. There will be approximately 114,218 square feet in the proposed condominiums and, with a lot size of approximately 38,333 square feet, the floor area ratio (FAR) will be slightly less than 3:1. The FAR for R-7 is limited to 1:1, hence the request to change the zoning classification to R-8A which has a FAR of 3:1.

The applicant initially filed an application with the Landmarks Committee on April 14, 2008 and it was determined to be complete and classified as requiring Committee Review on April 17, 2008. An amended application was filed on October 18, 2011 and it was determined to be complete on December 1, 2011 and classified as appropriate for Committee level review on December 1, 2011. The initial hearing before the Cherokee Triangle Preservation District Review Committee (ARC) was held on December 14, 2011, at which time a motion was made to defer consideration of the application until January 25, 2012. A subsequent hearing was held before the ARC on January 25, 2012, at which time the ARC closed the hearing and deliberated in executive session. The ARC was unable to reach a majority determination so the ARC voted to defer action until February 22, 2012, to allow other members of the ARC to review the record

and vote on the application, at which time the ARC granted the applicant's request to demolish the existing structures on the site and, subject to certain conditions, approved construction of the proposed condominiums.

Subsequent to the ARC approval, an appeal was filed with the Landmarks Commission on behalf of the Cherokee Triangle Association (CTA). The appeal was deemed timely filed and scheduled for review by the Landmarks Commission at its regularly scheduled meeting on June 21, 2012. Presentations were made to the Commission by a representative of the CTA and a representative of the applicant. Following rebuttal by CTA's representative and questions by members of the Commission, the Commission voted to uphold the decision of the ARC based on the Commission's finding no evidence of error in the proceedings of the ARC.

A copy of the "Certificate of Appropriateness – Report of the Commission – Appeal" is attached and provides a more exhaustive summary of the proceedings and the findings of the ARC and the Landmarks Commission.

### **COMPREHENSIVE PLAN GUIDELINES**

Compliance with specific applicable Guidelines and Policies of the Comprehensive Plan are set forth in this Justification Statement.

#### **Guideline 1. Community Form.**

According to Core Graphic 1 the property lies within the Traditional Neighborhood Form District ("TN"). The TN Form District is characterized by a range of residential densities and a variety of housing types, street patterns which include alley ways, on-street parking, occasional office uses in predominantly residential blocks, and proximity to parks and open spaces and to market place corridors or to the downtown. The TN Form District is intended to recognize and encourage the unique and diverse characteristics of Louisville and Jefferson County neighborhoods, traditional neighborhoods and villages.

The proposed rezoning from R-7 Multifamily to R-8A Multifamily is appropriate for the site and is in compliance with the intent of the TN Form District. The site is located on Willow Avenue, allowing the residents easy access to workplaces and commercial centers throughout greater Louisville, especially the Bardstown Road/Baxter Avenue entertainment and dining area. The proposed building is of a design appropriate in mass, scale and style to the buildings in the neighborhood. The project is the kind of improvement that is encouraged by the Cornerstone 2020 Comprehensive Plan. It conforms to the intent of Guideline 1 because it will not adversely affect the surrounding street system, is located near the public open spaces of Cherokee and Seneca Parks and will support and preserve the character of the surrounding Traditional Neighborhood by utilizing similar building materials and an historical design in a style that fits the existing design of nearby properties.

The traditional style building on adjoining lots in this Traditional Neighborhood are situated on smaller lots in a traditional urban setting with most of the houses at the same setback,

which the new building will match. In addition, all applicable dimensional standards have been met

### **Guideline 2. Centers.**

The proposed residential condominium building complies with the intent of Guideline 2 because it is an attractive and efficient use of available land in a very attractive neighborhood where there exists a mix of housing opportunities. The proposed condominium development will accommodate the needs of those who prefer to live in an upscale, maintenance free environment in an area with easy access to greater Louisville, workplaces and commercial centers, especially the highly popular Baxter/Bardstown entertainment and dining area

Policies 4 and 5 of this Guideline encourage a compact mixture of compatible land uses which allow for reduced traffic and alternative modes of travel and which promote vitality and a sense of place. As described above, the proposed development will be compatible in style, character and use with nearby historic properties and where residents have easy access to greater Louisville by car, bus, bicycle and on foot.

### **Guideline 3. Compatibility.**

The proposed development complies with the intent of this Guideline because it will be of a style compatible with nearby properties, especially the Dartmouth, Willow Terrace and 1400 Willow, utilizing historically accurate building materials. The building's density (24 units) is allowed under current zoning but the FAR of the building mandates that the property be rezoned. The construction of this project will enhance the streetscape by removal of a non-contributing element to the district, the Bordeaux Apartments. The new facility will be located at the same setback as the surrounding buildings and will not create nuisances related to noise, lighting, or odors because of the design features shown on the architectural plans accompanying this application.

Policies 1, 2, 3 and 15 of this Guideline specifically address compatibility of new developments with the scale, design and building materials of existing nearby development and encourage a mixture of densities as long as designs are compatible. As stated above, the proposed building has been designed in a manner compatible with surrounding buildings.

Policies 5, 6, 7, 8 and 9 of this Guideline address odor, air quality, traffic, noise, lighting, and visual impact of the proposed building on adjacent properties. Air quality relating to automobile emissions, noise and traffic flow concerns will not be an issue as no additional traffic will be generated by this proposal. The proposed entrance to the below grade parking garage will be from Baringer Avenue which will distribute and control traffic into and out of the site safely and efficiently. The proximity of the subject property to greater Louisville, workplaces and commercial activity centers via Willow Avenue, Baringer Avenue, Cherokee Parkway and Eastern Parkway will continue to result in shorter trips for residents, resulting in further reduction of automobile emissions. Lighting, odor, noise and visual impacts of the new development will remain largely unchanged.



Policies 12, 13 and 14 of this Guideline seek to ensure accessibility to and accommodation of the design for new development for the elderly and those with disabilities. The new building will comply with laws concerning accessibility, unlike the existing apartment units and many of the other structures in the surrounding area.

#### **Guidelines 4 and 5. Open Space and Natural Areas; Scenic and Historic Resources.**

The intent of Guideline 4 is to ensure the development of "well-designed permanently protected open space that meets community needs." The proposed development will create an attractive common area at the north corner of the site

The site complies with the intent of Guideline 5 for all the reasons described in response to Guideline 4 and because the site has not been designated as a natural or scenic resource. In fact, the existing site has been determined to be a non-contributing element to the Cherokee Triangle historic district. Additionally, the Cherokee Triangle neighborhood has undergone significant renewal since 1989 when the Cherokee Triangle Neighborhood Plan was adopted. This proposal meets the goals and objectives of that plan, further improving the Cherokee Triangle neighborhood by removal of an incompatible, poorly designed and aging facility, transforming it into luxury condominiums in an historically compatible architectural context.

#### **Guideline 6. Economic Growth and Sustainability.**

Reinvestment, redevelopment and rehabilitation in older neighborhoods that is consistent with the form district pattern is encouraged and supported by the Cornerstone 2020 Comprehensive Land Use Plan. The proposed project will convert an older residential apartment facility into a new luxury residential condominium facility in compliance with Policy 3 of this Guideline.

#### **Guideline 7. Circulation.**

The intent of Guideline 7 is to ensure that new developments do not exceed the carrying capacity of streets and to ensure safe and efficient movement of vehicles and pedestrians.

This site is well served and connected with the existing street network as required by Policy 1. Long frontage along Willow Avenue will be used to enhance pedestrian and bicycle traffic and to provide adequate access to public transit. The existing sidewalk in front along Willow Avenue and along the Baringer Avenue side of the proposed project, which will be retained and improved, are sufficient to accommodate expected pedestrian movement and other outdoor activities. Also, as previously indicated, there will be no increase in vehicular traffic and no adverse effect on air quality.

With the inclusion of a 50 space below grade parking garage the proposed development will provide adequate off-street parking for the development. Area roads have adequate traffic-carrying capacity for the relatively small amount of residents that will live in the development and the entrance, driveway and below grade parking facilities will safely move residents into and out of the area

#### **Guideline 8. Transportation Facility Design.**

Access to the site will not occur through areas of significantly lower density development as required by Policy 9.

#### **Guideline 9. Bicycle, Pedestrian and Transit.**

The intent of Guideline 9 is to promote air quality, improve pedestrian access to public transportation routes and to reduce major conflicts between vehicular, bicycle and pedestrian movements for improved safety. The proposed development creates no additional traffic or air quality concerns and, as mentioned above, the site design for the development will provide for an efficient and safe transportation environment. TARC service is also available to the site.

#### **Guidelines 10 and 11. Flooding and Stormwater; Water Quality.**

The intent of Guideline 10 is to protect the natural drainage systems and ensure that drainage designs minimize damage to streams and property from flooding and stormwater runoff. The proposed development complies with the intent of this guideline because no portion of the site is designated as a blue-line stream or 100 year flood plain area which will result in no significant disturbance of floodplain functions, satisfying Policies 1, 2 and 3 of Guideline 10.

Policies 4, 7, 10, 11 and 12 of Guideline 10 seek to mitigate negative development impacts to the stormwater runoff, through drainage and stream systems. The proposed development will not increase drainage from the site as reflected on the accompanying development plan, and all drainage facilities will conform to MSD requirements and guidelines.

Guideline 11 requires that the degradation of water quality due to water pollution and erosion be prevented. This proposal complies with this guideline because it will continue to draw water from the public water supply and any requirements for soil erosion and sediment control during construction will be addressed.

#### **Guideline 12. Air Quality.**

The intent of this guideline is to reduce the impact of pollution caused by vehicular traffic and land uses. The proposed development complies with this guideline because it does not create any increased vehicular traffic when compared to that currently existing.

#### **Guideline 13. Landscape Character.**

The intent of this guideline is to protect and enhance landscape character. The proposed development will provide landscaping and appropriate buffers along the property perimeters. A landscaping plan will be provided in accordance with the Land Development Code.

#### **Guideline 14. Infrastructure.**

The intent of this Guideline is to provide for necessary infrastructure and ensure that carrying-capacity of the land is adequate for the proposed development. All utilities are currently available to the site, including adequate water, electric and sewer service in accordance with Policy 2 of this guideline. An adequate supply of potable water for domestic purposes is available through Louisville Water Company facilities in accordance with Policy 3 of this guideline. These facilities will also serve the safety needs of the development for adequate water for fire fighting purposes. The development will be served by the Morris Forman Waste Water Treatment Plant as required by Policy 4 of this Guideline.

#### **Guideline 15. Community Facilities.**

The Metro Louisville Fire Department will provide fire safety services to the site and the Metro Louisville Police Department will provide police service to the site.

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# Tab 5

## Metro Louisville Ordinance and Findings of Fact



ORDINANCE NO. 140, SERIES 2013

AN ORDINANCE ~~REJECTING~~ ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION ~~TO AND CHANGING THE ZONING FROM R-7, MULTIFAMILY TO R-8A, MULTIFAMILY~~ MAINTAIN THE EXISTING R-7, RESIDENTIAL MULTI-FAMILY ZONING ON PROPERTY LOCATED AT 1418 AND 1426 WILLOW AVENUE, CONTAINING A TOTAL OF 0.88 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 17822)(AS AMENDED).

SPONSORED BY: COUNCILMAN KELLY DOWNARD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission ("Commission") and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 17822; and,

WHEREAS, the Council ~~disagrees with~~ concurs in and adopts the findings of the Commission for the zoning change in Case No. 17822 and has made alternative findings of fact, based on the record of evidence established by the Commission, to support the rezoning from R-7, Multifamily to R-8A, Multifamily, as the proposal is in agreement with Cornerstone 2020, the comprehensive plan, and has set forth its findings in this Ordinance, and, approves and accepts the recommendations of the Planning Commission as set out in said minutes and records;

WHEREAS, the Council finds that the proposed rezoning from R-7, Multifamily to R-8A, Multifamily complies with Cornerstone 2020's Guideline 1, Community Form, because the subject property at issue here is located within the Traditional Neighborhood Form District ("TNFD"), which, by definition, is a form of development characterized by a range of residential densities and a variety of housing types, street patterns which include alleyways, on-street parking, occasional office uses in predominantly residential blocks, and proximity to parks and open spaces, and to market place corridors or to downtown; the TNFD is intended to recognize

and encourage the unique and diverse characteristics of Louisville and Jefferson County neighborhoods, traditional neighborhoods and villages; that the subject property is located at the southwest corner of Willow Avenue and Baringer Avenue in the Cherokee Triangle Neighborhood, and is currently occupied by the Bordeaux Apartments, a 22-unit apartment complex, which includes three-story apartment buildings and parking at the rear of the site; and, according to the Landmarks Commission report that addressed the applicant's associated request for a Certification of Appropriateness for the construction of the proposed condominium facility on the property, the existing Bordeaux Apartment structures proposed for demolition are significantly out of character with the surrounding historic fabric and would be classified as non-contributing structures in the district; and, the existing zoning designations in the surrounding area are residential, having a mixture of single family, two-family (R-5B) and multifamily (R-5A, R-6, R-7 and R-8A); immediately to the north of the site and on the west side of Willow Avenue, across Baringer Avenue, are the 11-story Dartmouth (1416 Willow Avenue – R-8A) and the 8-story Willow Terrace (1412 Willow Avenue – R-8A), both condominium developments, and further to the north and also on the west side of Willow Avenue is the 20-story condominium development known as 1400 Willow, which is on property zoned OR-3; and the Council further finds that the proposed rezoning from R-7, Multifamily to R-8A, Multifamily is appropriate for the applicable property and complies with the intent of the TNFD because the property is located on Willow Avenue near its intersection with Eastern Parkway, allowing the residents easy access to workplaces and commercial centers throughout greater Louisville, including downtown and especially the Bardstown Road/Baxter Avenue entertainment and dining area; and

WHEREAS, the Council further finds the proposed R-8A zoning is in compliance with Guideline 1, Community Form, because the R-8A zoning designation permits an intensity and density of multifamily residential development that is consistent with other multifamily residential developments on Willow Avenue and in the surrounding area; accordingly, the Council finds that the proposal complies with Cornerstone 2020's Community Form Guideline as it will not

adversely affect the surrounding street system, is located near the public opens spaces of Cherokee, Willow, Tyler and Seneca Parks, and will preserve the character of the surrounding traditional Cherokee Triangle Neighborhood by removing the existing 40-year old multifamily Bordeaux Apartments complex, which is out of character with the surrounding historic fabric of the encompassing area, and replacing it with a multifamily condominium structure that will utilize building materials and an architectural design that are substantially more in keeping with the existing historical designs of nearby properties.

WHEREAS, the Council finds that the proposed rezoning complies with Cornerstone 2020's Guideline 2, Centers, because a residential condominium building intended for the property is a compatible and efficient use of available land in a popular, well-established neighborhood where a mix of housing opportunities exist; and, therefore, the proposed condominium land use will accommodate the needs of those residents who prefer to live in an upscale, maintenance-free environment in an area with easy access to greater Louisville, workplaces and commercial centers, especially the highly popular and very near Baxter/Bardstown entertainment and dining area, as well as a short commute to downtown Louisville; and

WHEREAS, the Council acknowledges that Policies 4 and 5 of Guideline 2, Centers, encourage a compact mixture of compatible land uses which allow for reduced traffic and alternative modes of travel and which promote vitality and a sense of place; and, as applied to the applicable proposal, The Council finds that the proposed multifamily condominium use will be compatible in style, character and use with nearby historic properties and where residents have easy access to greater Louisville by car, bus, bicycle and on foot; and

WHEREAS, Cornerstone 2020 Community Form/Land Use Guideline 3, Compatibility, and its applicable Policies recommend allowing a mixture of land uses and densities near each other as long as they are designed to be compatible with each other and preserve the character of the existing neighborhood; and, the Council finds the proposed development complies with

the intent of Guideline 3 and its applicable Policies because it will be of a style compatible with nearby properties, especially the Dartmouth, Willow Terrace and 1400 Willow, utilizing historically accurate building materials; and, the Council recognizes that the density of the proposed development is allowed under the current zoning designation for the property but the floor area ratio (FAR) of the proposed development requires that the property be rezoned to R-8A; and, the Council finds that the construction of the project will enhance the streetscape by removal of the Bordeaux Apartment building, a non-contributing element to the Cherokee Triangle Preservation District, and that the new facility will be located at the same or similar setback as the surrounding buildings and will not create nuisances related to noise, lighting, or odors because of the design features shown on the architectural plans accompanying this application; and

WHEREAS, Guideline 3, Policies 1, 2, 3 and 15 of Cornerstone 2020 specifically address compatibility of new developments with the scale, design and building materials of existing nearby development and encourage a mixture of densities as long as designs are compatible; and, accordingly, the Council finds that the design and building materials of the proposed building are compatible with surrounding buildings, and acknowledges that though the height and overall scale of the proposed building has not been determined, the Louisville Metro Planning Commission will hold additional public review(s) where the appropriate height and scale of the proposed structure will be considered for further compatibility with Cornerstone 2020, specifically the TNFD; and

WHEREAS, Policies 5, 6, 7, 8 and 9 of Guideline 3 address odor, air quality, traffic, noise, lighting, and visual impact of the proposed building on adjacent properties; the Council finds that air quality relating to automobile emissions, noise and traffic flow concerns will not be an issue as the proposed development will generate no additional traffic; and, the Council further finds that the proximity of the subject property to greater Louisville, workplaces and commercial activity centers via Willow Avenue, Baringer Avenue, Cherokee Parkway and



Eastern Parkway will continue to result in shorter trips for residents, resulting in further reduction of automobile emissions; and, the Council finds that the lighting, odor and noise of the new development will remain largely unchanged, and that when plans for the final building are approved, mitigation for any potential visual impacts of the development should be determined and implemented; and, Policies 12, 13 and 14 of Guideline 3 intend to ensure accessibility to and accommodation of the design for new development for the elderly and those with disabilities, the Council finds that the new building proposed for the applicable property, unlike the existing apartment building, will comply with laws concerning accessibility; and

WHEREAS, the intent of Cornerstone 2020's Guideline 4, Open Space, is to ensure the development of "well-designed permanently protected open space that meets community needs," and the proposed development will create a beneficial and accessible common area at the north corner of the property; and the Council further finds the proposal complies with Cornerstone 2020's Guideline 5, Natural Areas and Scenic and Historic Resources, because the site has not been designated as a natural or scenic resource; the existing building on the property has been determined to be a non-contributing element to the Cherokee Triangle Preservation District; further, the Cherokee Triangle has undergone a significant renewal since 1989 when the Cherokee Triangle Neighborhood Plan was adopted; and the Council finds that although the adoption of the Cherokee Triangle Neighborhood Plan preceded by over ten years the adoption of Cornerstone 2020, this proposal advances the goals and objectives of that neighborhood plan through the removal of an incompatible, poorly designed and aging facility, and replacing it with a luxury condominium building in a historically compatible architectural context; and the Council acknowledges that in 2012, the Landmarks Commission upheld the Cherokee Triangle Preservation District Architectural Review Committee's (ARC) decision to grant a "Certificate of Appropriateness" for the architectural design of the proposed condominium structure, and that before changes to the proposed condominium structure can be undertaken, further ARC review and approval must occur; and

through areas of significantly lower density development, as specifically required by Policy 9; and

WHEREAS, Cornerstone 2020's Guideline 9, Bicycle, Pedestrian and Transit and its applicable Policies are designed to ensure that developments provide for pedestrian, bicycle and transit access; the Council finds that the applicable Policies of this Guideline concerning these interests are all addressed because the proposed development creates no additional traffic or air quality issues, the site design provides for an efficient and safe transportation environment, including available access to TARC service; and

WHEREAS, the Council further finds that the proposal complies with all applicable policies of Livability/Environment Guidelines 10, Flooding and Stormwater, and 11, Water Quality because the Metropolitan Sewer District (MSD) has given its preliminary approval to the proposal; the intent of Guideline 10 and its applicable Policies is to protect the natural drainage systems and ensure that drainage designs minimize damage to streams and property from flooding and stormwater runoff; and, as applied, the Council finds the proposal conforms to Guideline 10 and its applicable Policies because no portion of the site is designated as a blueline stream or a 100-year flood plain area, which result in no significant disturbance of floodplain functions; and, the Council further finds, based on MSD's preliminary approval, that the development will not increase drainage from the site and all drainage facilities designed for the site will conform to MSD requirements and guidelines; and that Guideline 11 and its applicable Policies require that the degradation of water quality due to water pollution and erosion be prevented; the Council finds this proposal fully complies with Guideline 11 because it will continue to draw water from the public water supply and any requirements for soil erosion and sediment control during construction will be followed; and

WHEREAS, Guideline 12, Air Quality, seeks to reduce the impact of pollution caused by vehicular traffic and land uses; and the Council finds that the proposed development complies with Guideline 12 and its applicable Policies because the use of the condominium facility will not

create any increased vehicular traffic when compared to the use of the existing apartment facility; and

WHEREAS, Cornerstone 2020's Guideline 13, Landscape Character, recommends protecting and enhancing landscape character; and the Council finds that a landscaping plan for the site will be provided, showing appropriate landscaping and buffers along the property perimeters, and will reviewed for compliance with the requirements of the Land Development Code; and

WHEREAS, the Council further finds that the proposal complies with Guideline 14, Infrastructure, and Guideline 15, Community Facilities, because all necessary utilities are present at the site, and the Metro Louisville Fire Department will provide fire safety services to the site and the Louisville Metro Police Department will provide police service to the site.

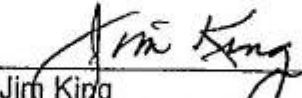
**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

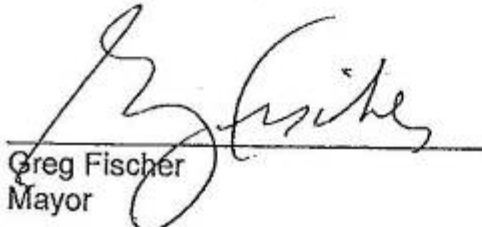
**Section I:** That the zoning of property located at 1418 and 1426 Willow Avenue, containing a total of 0.88 acres, and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 17822 is hereby changed from R-7, Multifamily to R-8A, Multifamily, maintained in its current designation, R-7, Residential-Multi-Family, as more particularly specified in the minutes and records of the Planning Commission.

**Section II:** That the Planning Commission is hereby directed to review the revised detailed district development plan, including all applicable binding elements for the site, and any associated requests for relief presented with the application for rezoning in Case No. 17822 and to take final action on those requests over which it retains jurisdiction, except for the final approval of the District Development Plan. After a duly-noticed public meeting, as required pursuant to all applicable laws and regulations, the Planning Commission shall forward its recommendation on the District Development Plan to the Metro Council for final approval.

Section III: This Ordinance shall take effect upon passage and approval.

  
H. Stephen Ott  
Metro Council Clerk

  
Jim King  
President of the Council

  
Greg Fischer  
Mayor

Approved: 8/9/13  
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell  
Jefferson County Attorney

LOUISVILLE METRO COUNCIL  
READ AND PASSED  
*August 8, 2013*

By: 

# Tab 6

## Revised Site Plan, Waivers & Variances

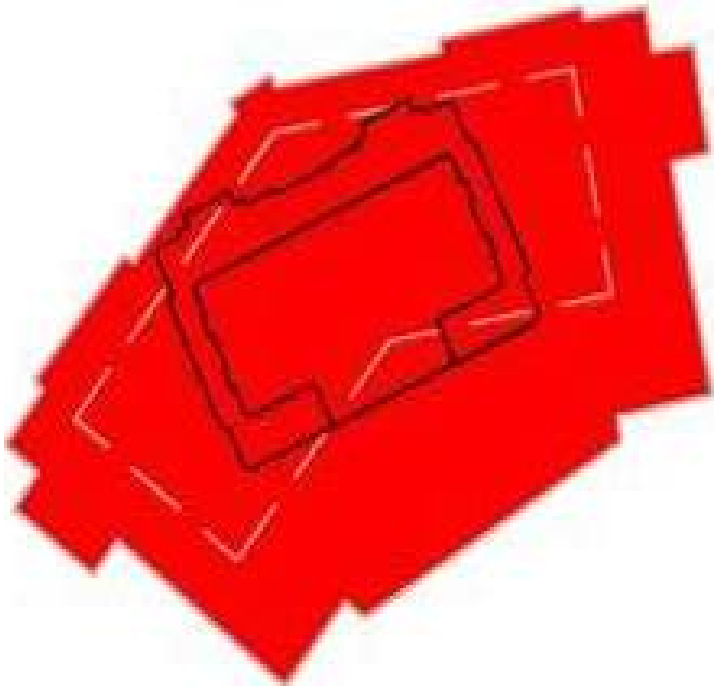




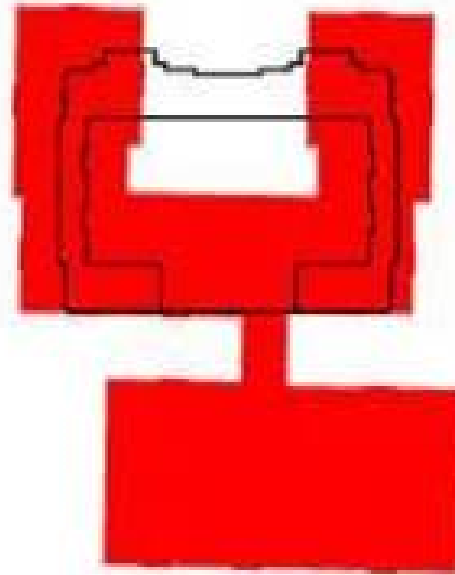
# Rendered Site Plan



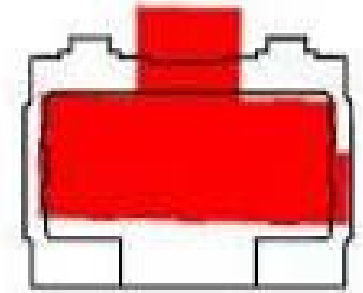
# Willow Grande Footprint Comparisons



**1400 Willow**



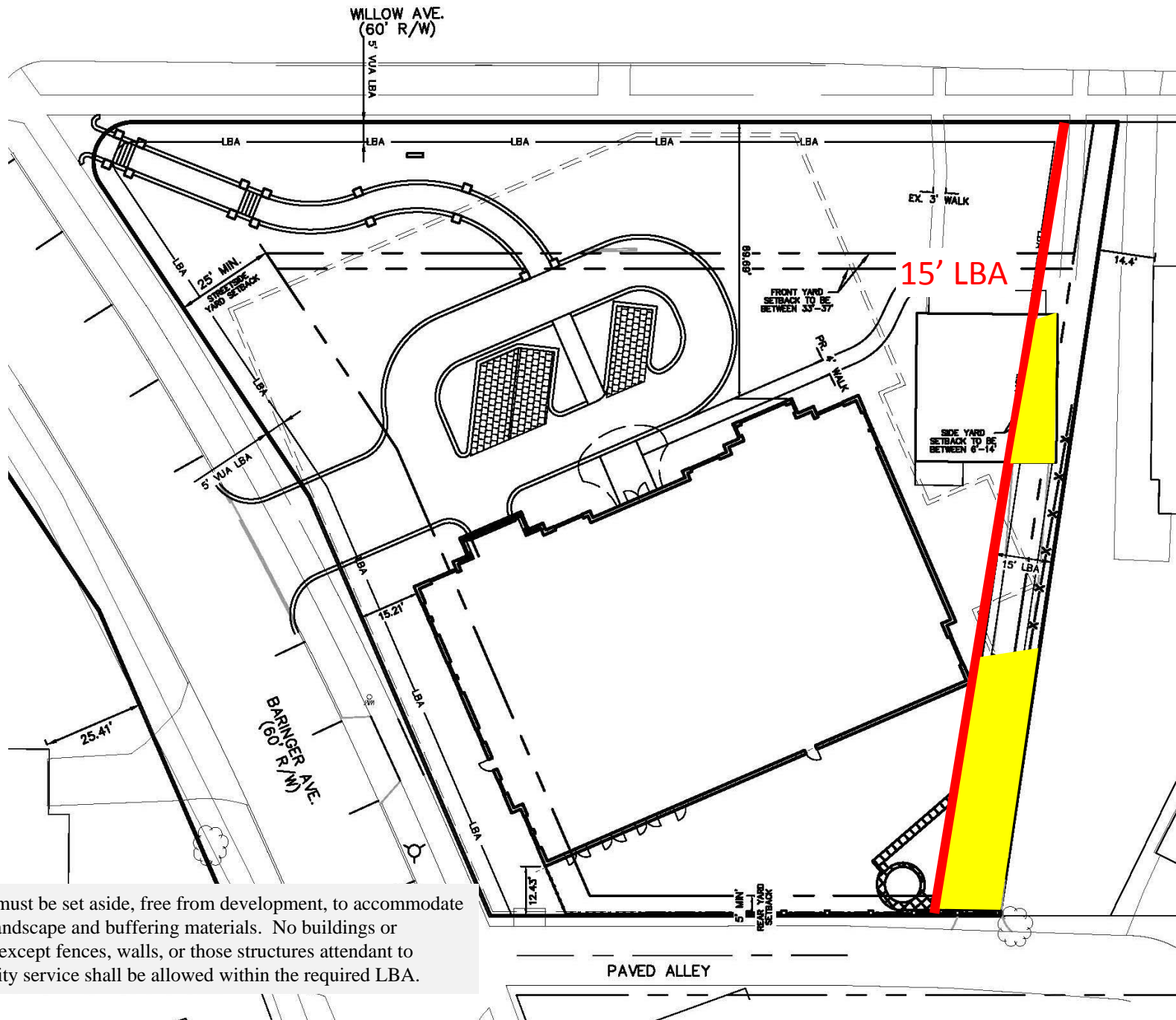
**Willow Terrace**



**The Dartmouth**

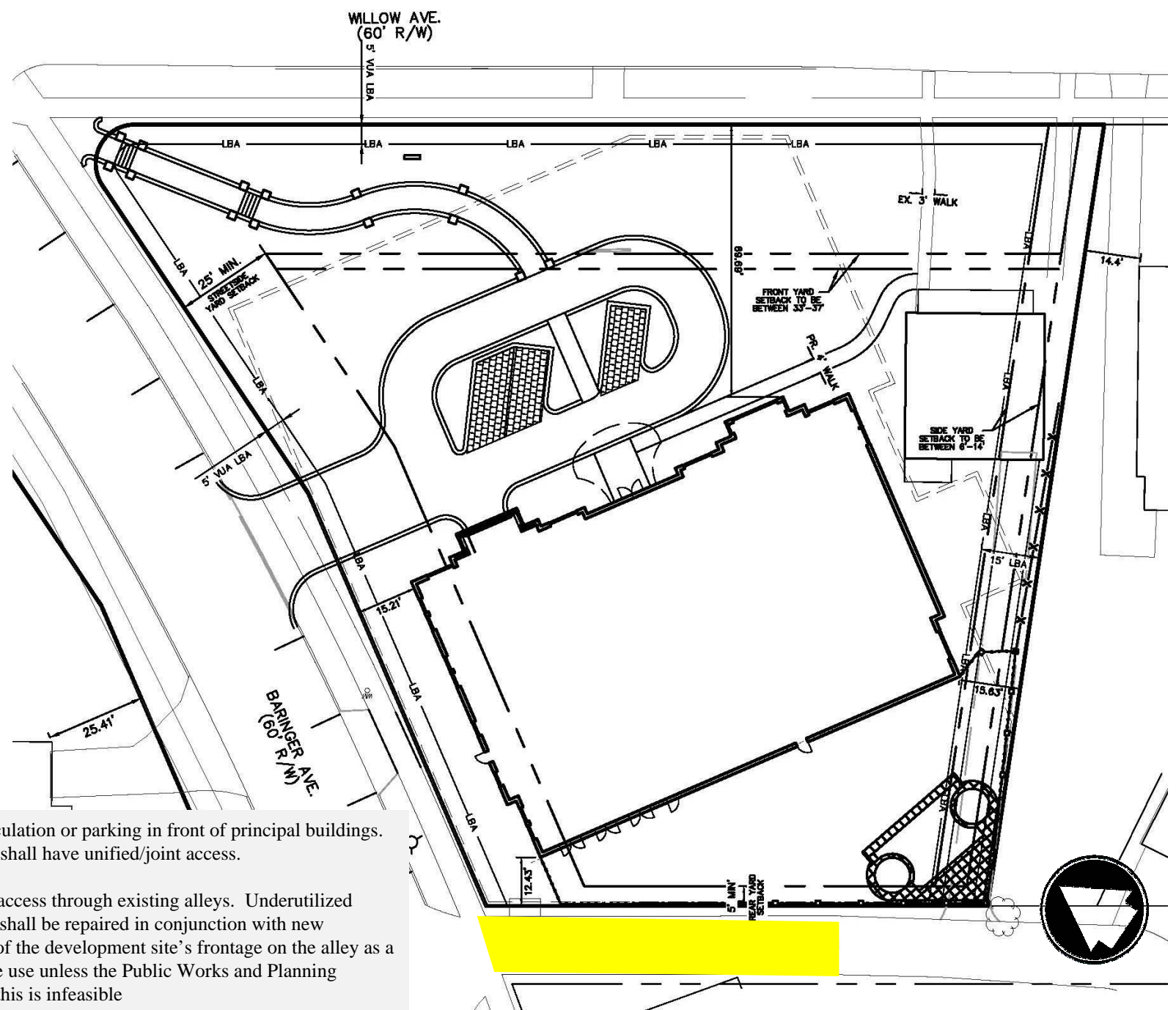


# Waiver – 10.2.4 (Landscape Buffer Area)



Area that must be set aside, free from development, to accommodate required landscape and buffering materials. No buildings or structures except fences, walls, or those structures attendant to public utility service shall be allowed within the required LBA.

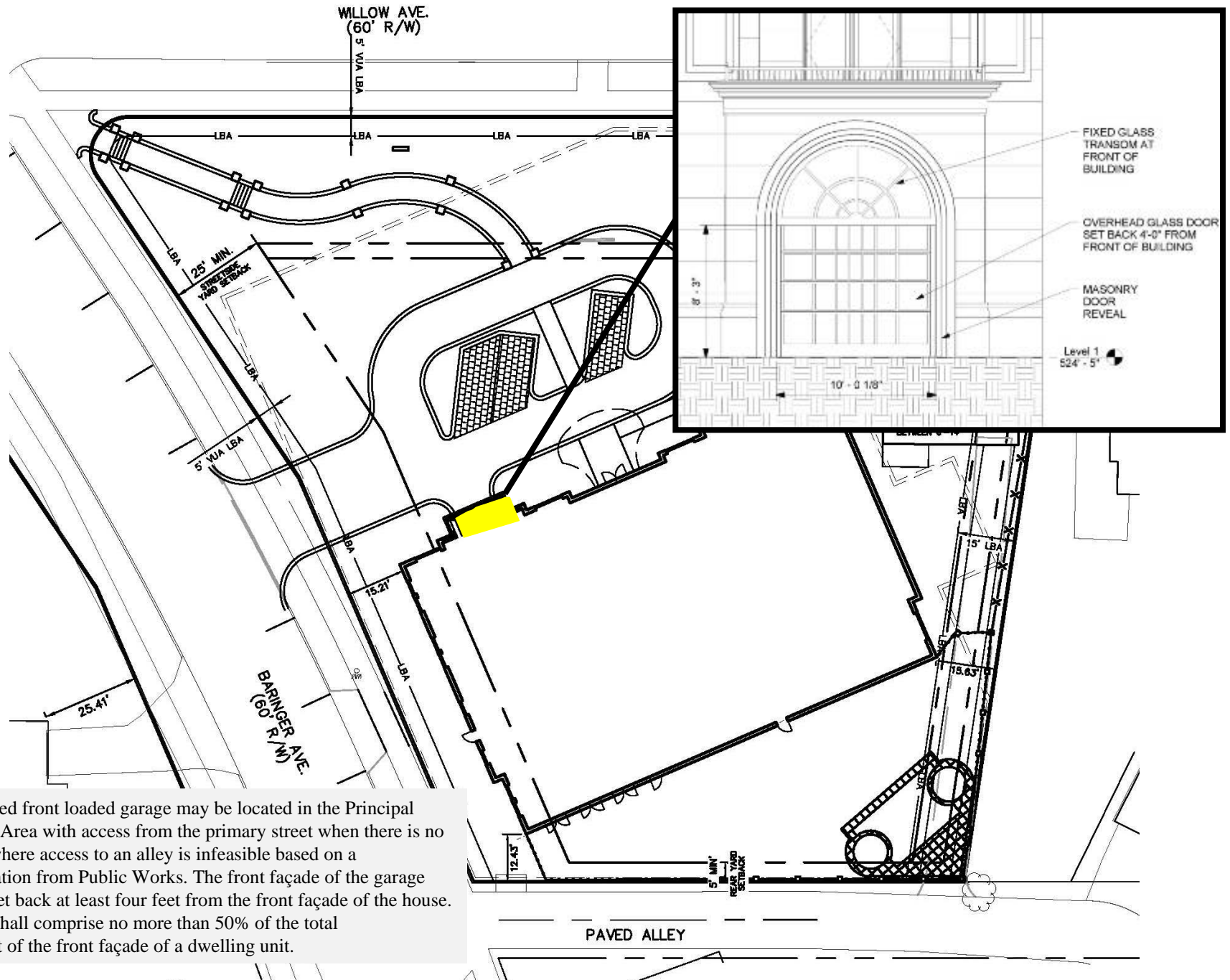
# Waiver – 5.9.2.C.4 & 5.8.4.A.1.b (Access to Site via Alley)



There shall be no traffic circulation or parking in front of principal buildings. Sites with multiple building shall have unified/joint access.

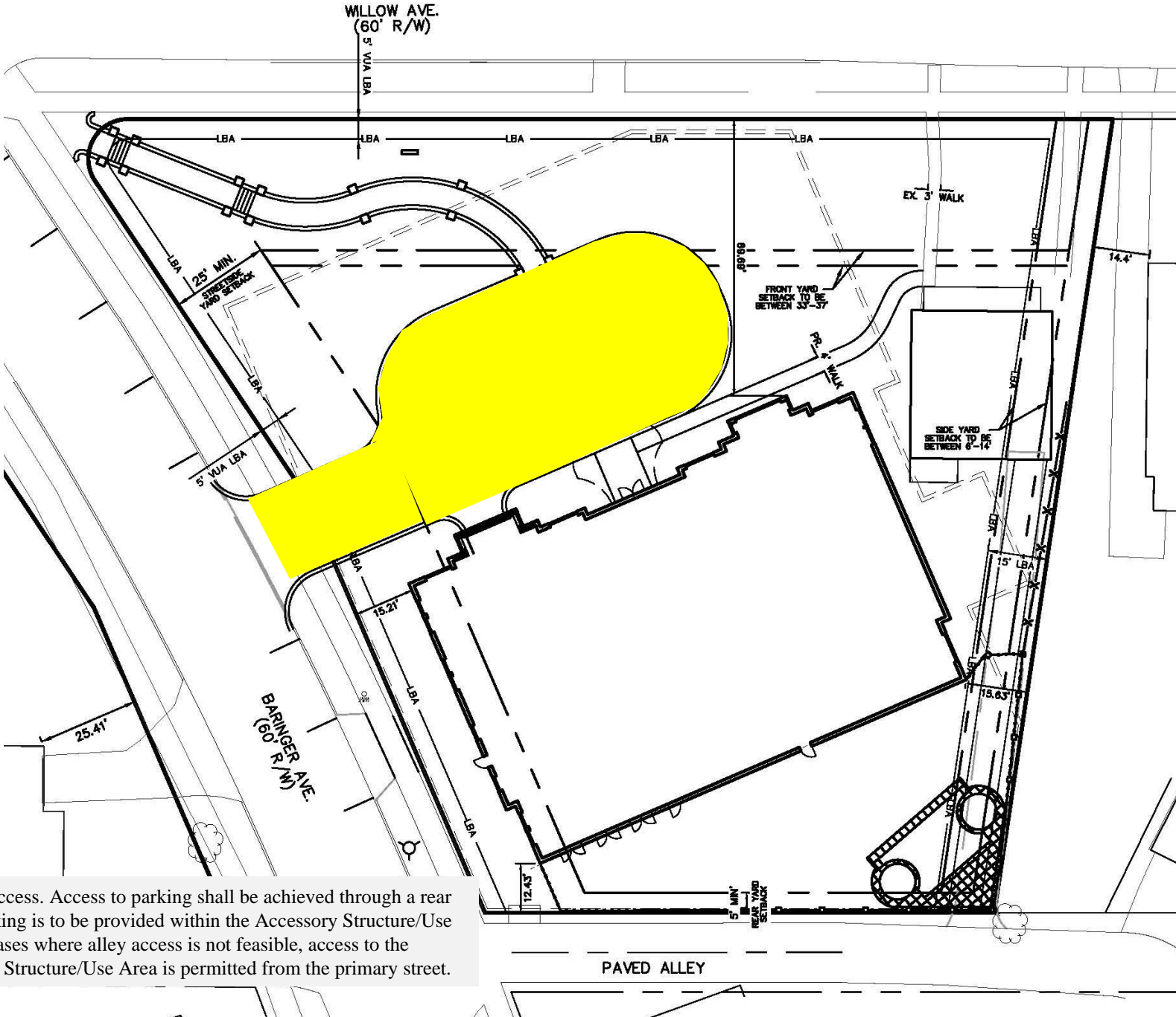
Alleys. Vehicles shall have access through existing alleys. Underutilized alleys, or those in disrepair, shall be repaired in conjunction with new development for the length of the development site's frontage on the alley as a means of encouraging future use unless the Public Works and Planning Directors jointly determine this is infeasible

# Waiver – 5.4.1.C.3 (Front Loaded Garage)



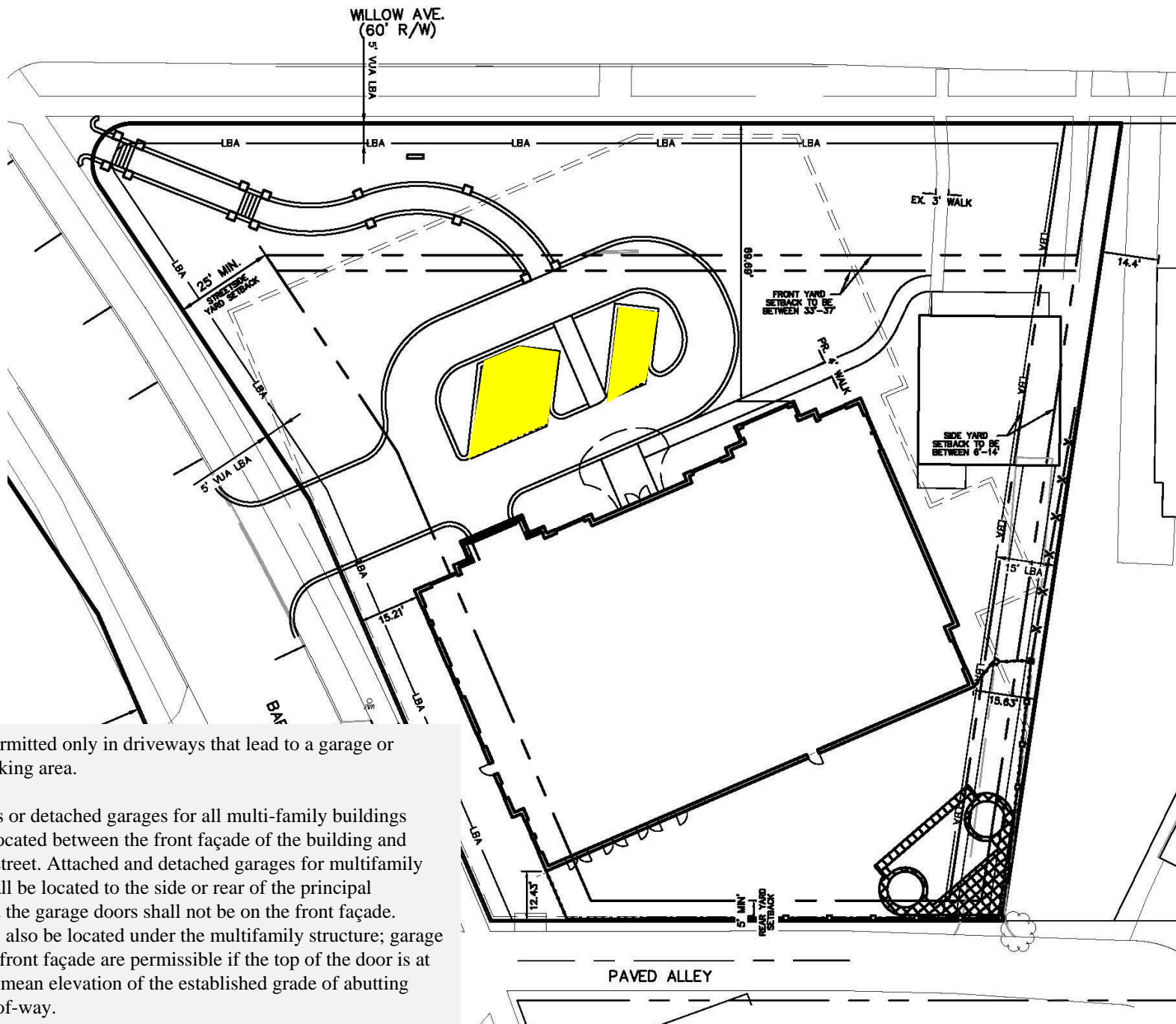
An attached front loaded garage may be located in the Principal Structure Area with access from the primary street when there is no alley or where access to an alley is infeasible based on a determination from Public Works. The front façade of the garage shall be set back at least four feet from the front façade of the house. Garages shall comprise no more than 50% of the total linear feet of the front façade of a dwelling unit.

# Waiver – 5.4.1.E.3 (Parking Access via Alley and located in Accessory Use Area)



Parking Access. Access to parking shall be achieved through a rear alley. Parking is to be provided within the Accessory Structure/Use Area. In cases where alley access is not feasible, access to the Accessory Structure/Use Area is permitted from the primary street.

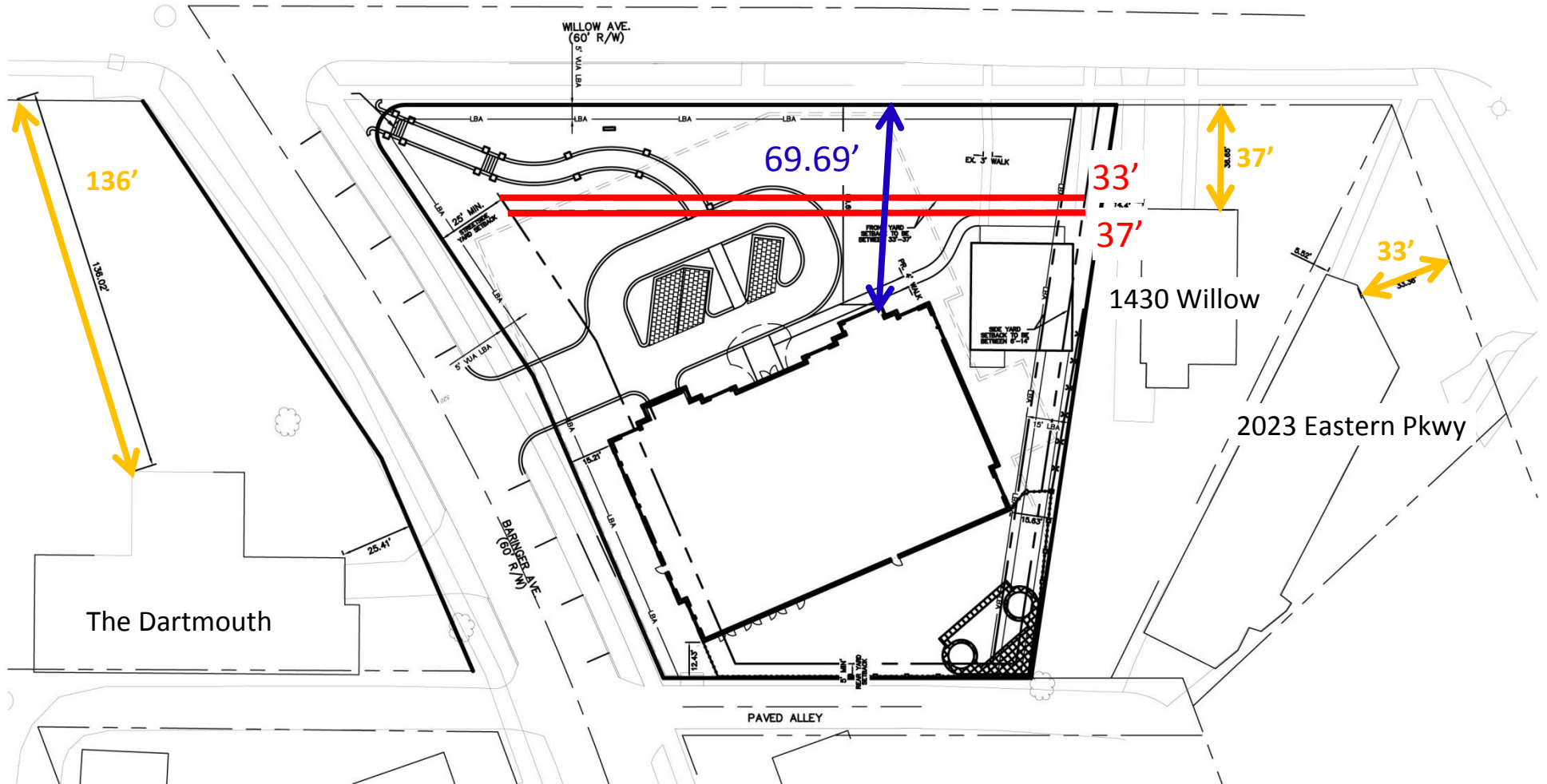
# Waiver – 5.4.1.B.1.e & 5.4.1.G.3 (Front Parking)



Parking is permitted only in driveways that lead to a garage or rear yard parking area.

Parking areas or detached garages for all multi-family buildings may not be located between the front façade of the building and the primary street. Attached and detached garages for multifamily buildings shall be located to the side or rear of the principal building, and the garage doors shall not be on the front façade. Garages may also be located under the multifamily structure; garage doors on the front façade are permissible if the top of the door is at or below the mean elevation of the established grade of abutting public right-of-way.

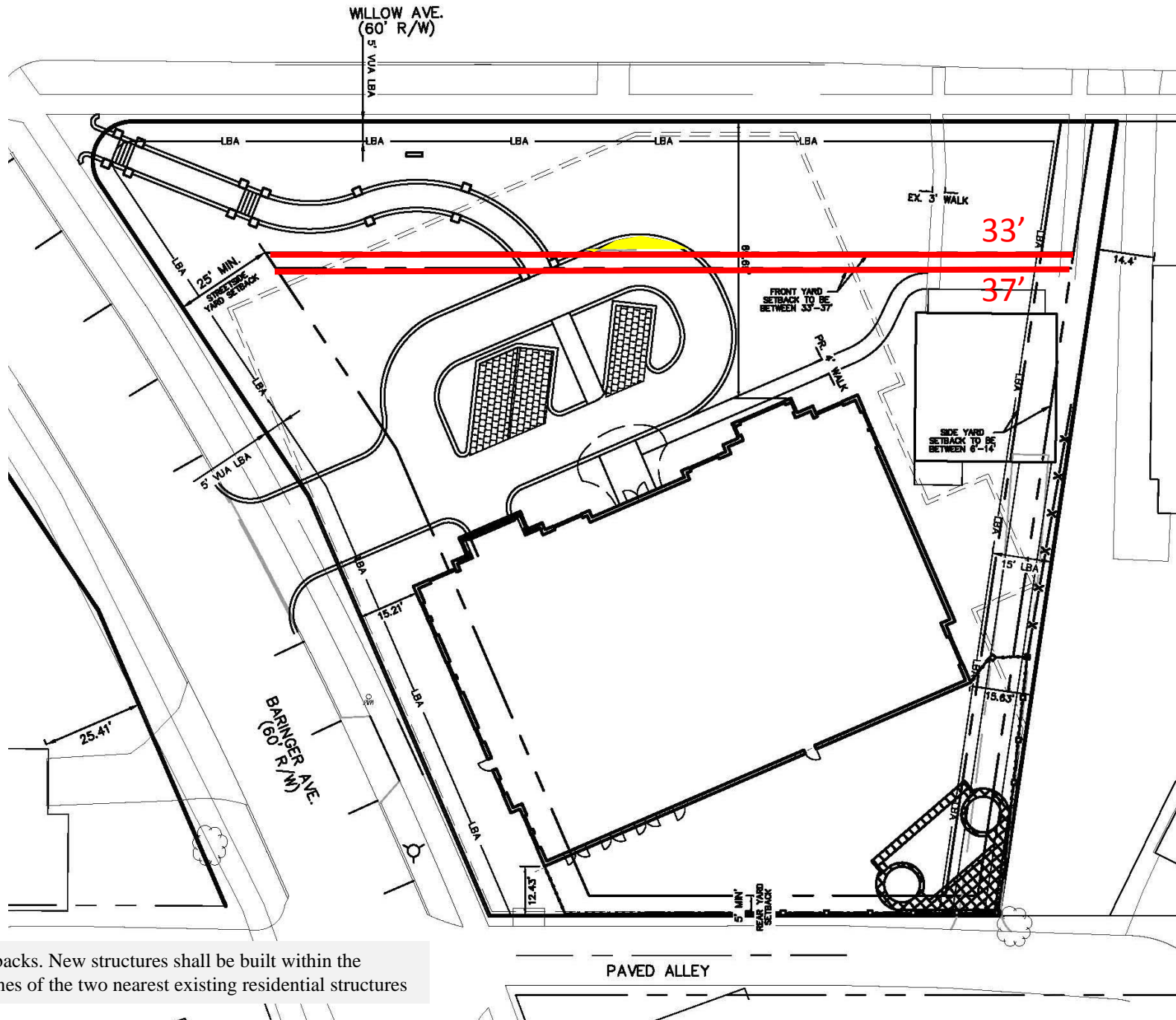
# Variance – 5.4.1.B.3.a (Increased Front Setback)



Front Setbacks. New structures shall be built within the setback lines of the two nearest existing residential structures



# Variance – 5.4.1.B.3.a (Allow Driveway in Front Setback)



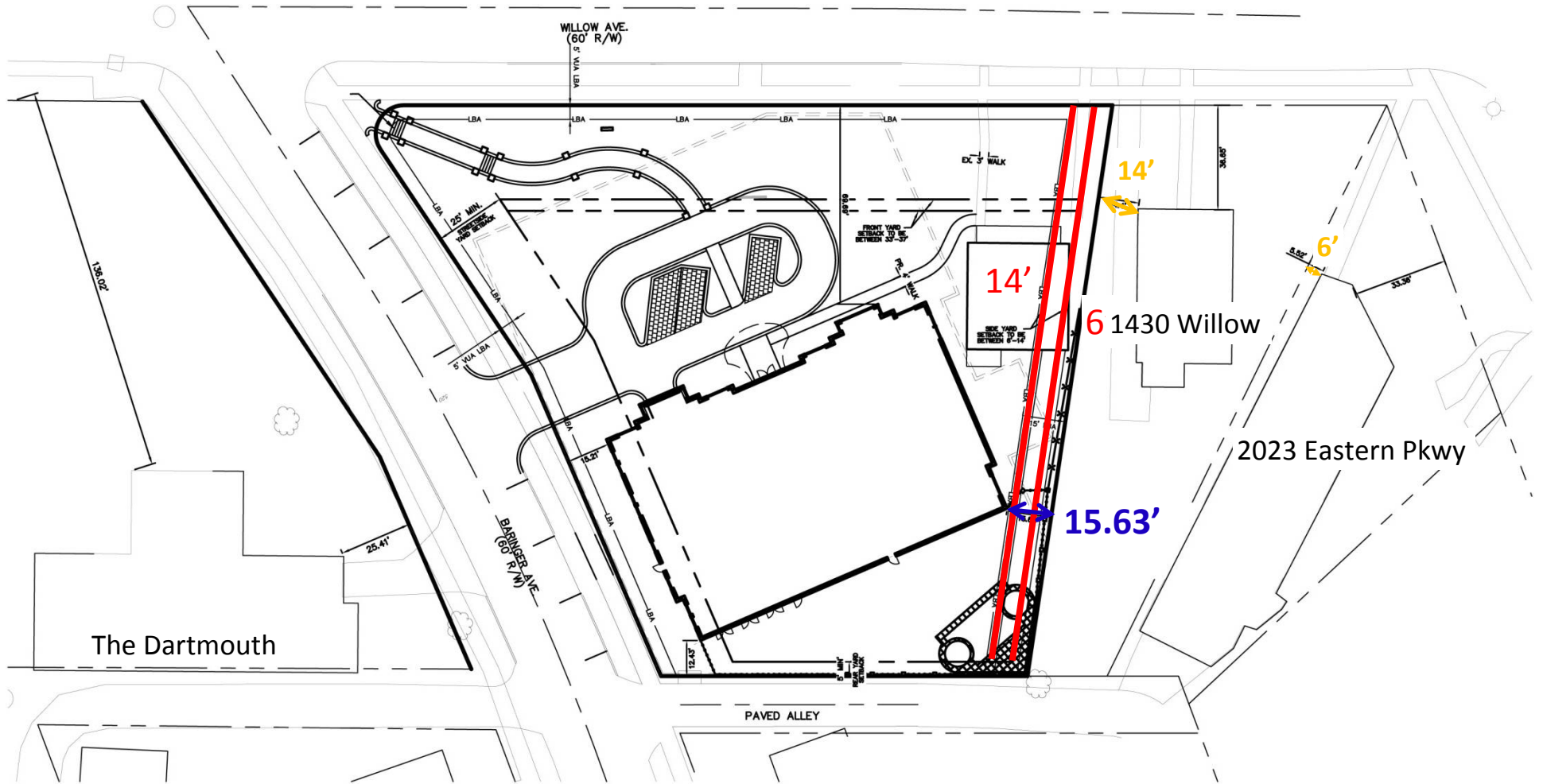
Front Setbacks. New structures shall be built within the setback lines of the two nearest existing residential structures







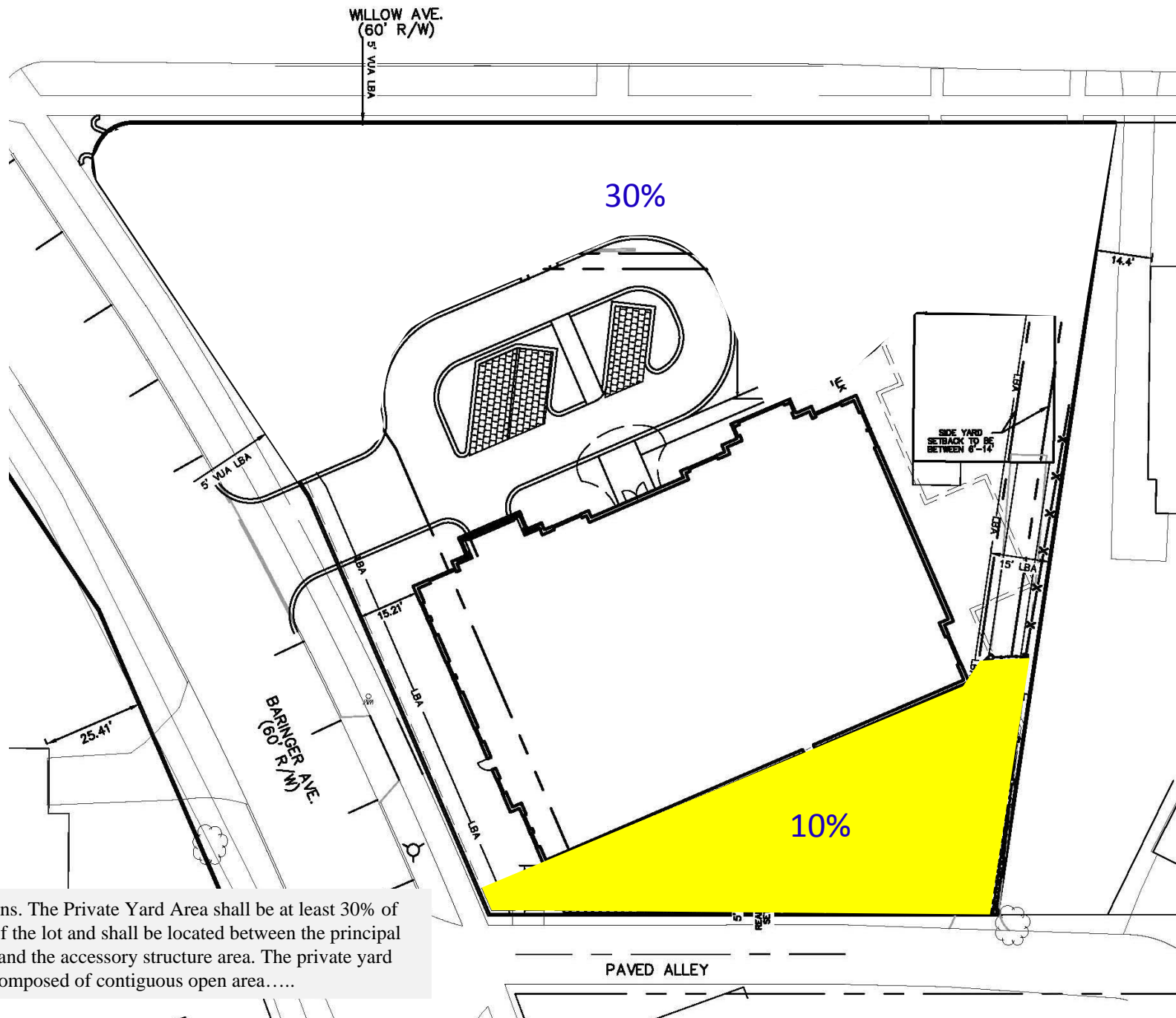
# Variance - 5.4.1.C.6.b (Side Yard Setback)



An open unoccupied space on the same lot with the main building situation between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.



# Variance - 5.4.1.D.2 (Private Yard)



Dimensions. The Private Yard Area shall be at least 30% of the area of the lot and shall be located between the principal structure and the accessory structure area. The private yard shall be composed of contiguous open area.....





# Tab 7

## Chronology of Submittals and Design Meetings



### **Chronology of Submittals and Design Meetings**

- 4/11/2008 Zoning Pre-Application submitted to Planning and Design Services
- 4/14/2008 Application submittal to Landmarks Commission
- 4/15/2008 Neighborhood meeting with residents of Willow Terrace and Dartmouth
- 6/1/2008 Neighborhood meeting with residents of Willow Terrace and Dartmouth
- 6/25/2008 Zoning Pre-Application conference
- 9/24/2008 Neighborhood meeting with Cherokee Triangle Association
- 10/17/2008 Neighborhood meeting with residents of 1400 Willow
- 9/23/2010 Meeting with Cherokee Triangle Architectural Review Committee subcommittee (staff David Marchal and committee members Steve Eggers & Mary Jean Kinsman)
- 5/26/2011 Meeting with Cherokee Triangle Architectural Review Committee subcommittee (staff David Marchal and committee members Steve Eggers, Monica Orr & JoAnn Weeter)
- 10/18/2011 Amended application submittal to Landmarks Commission
- 12/14/2011 Hearing before Cherokee Triangle Architectural Review Committee
- 1/25/2012 Continued hearing from 12/14/11 of the Cherokee Triangle Architectural Review Committee
- 2/22/2012 Continued hearing from 01/25/13 of the Cherokee Triangle Architectural Review Committee – proposal passed by a vote of 3-2
- 3/19/2012 Appeal of the Cherokee Triangle Architectural Review Committee filed
- 6/21/2012 Appeal hearing before the Landmarks Commission – appeal denied and the decision of the Cherokee Triangle Architectural Review Committee upheld by a vote of 7-0
- 7/13/2012 Amended Zoning Pre-Application submitted to Planning and Design Services
- 8/10/2012 Zoning Pre-Application conference
- 10/25/2012 Required neighborhood meeting with adjoining property owners and interested parties

12/3/2012 Zone change application filed with Planning and Design Services  
2/14/2013 Land Development & Transportation Committee meeting  
4/25/2013 Public Hearing before Planning Commission on rezoning  
8/9/2013 Adoption of Rezoning Ordinance by Metro Council  
8/28/2014 Submittal to Planning and Design Services for DDDP review and  
waivers/variances  
12/11/2014 Review by LD&T  
2/25/2015 Public Hearing on DDDP and waivers/variances

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# Tab 8

## Compromise





SEILLER WATERMAN LLC

ATTORNEYS

Meidinger Tower, 22nd Floor  
462 South Fourth Street  
Louisville, Kentucky 40202  
502.584.7400  
502.583.2100 Fax

July 15, 2014

Timothy W. Martin  
Frost Brown Todd LLC  
400 W. Market Street, 32nd FL  
Louisville, KY 40202-3363

Via Facsimile: 581-1087

Re: *Cherokee Triangle - Landmarks*

Dear Tim:

I apologize for being slow getting back to you, but as you know I was gone for almost a month. Since returning, we have had discussions about how to respond to the possibility of some type of settlement proposal.

There is interest on our part to see if an agreement could be reached on a revised plan. However, considering the problems we have dealing with the large group we must report to, and secure approval from, we believe the only way to approach the problem is for your client to come forward with a proposal for our consideration. We might not agree with the initial proposal, but it might be a starting point.

If your client is willing to do that, we certainly look forward to any suggestions.

Yours truly,

Bill V Seiller

BVS:dlk  
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cc: Committee  
John Carroll

Bill V. Seiller  
Joseph H. Cohen  
Alan N. Linker  
Pamela M. Greenwell  
David M. Cantor\*  
Kyle Anne Citrynell  
Robert V. Waterman  
Neil C. Borden  
Glenn A. Cohen  
Anuj G. Rastogi  
Sharon R. Handy  
R. Kenneth Kinderman  
Lester I. Adams Jr.  
Paul Hershberg  
Lynn M. Watson  
Christopher A. Bates  
Sean E. Mumaw^  
Gordon C. Rose  
C. Shawn Fox  
Charity B. Neulomm‡  
Auric D. Steele\*\*  
Robyn Smith  
Tyler R. Yeager  
James E. McGhee III  
Su H. Kang†

EMERITUS COUNSEL  
Irwin G. Waterman

OF COUNSEL  
John J. Bleidt  
J. Allan Cobb  
Robert S. Frey†  
Paul J. Krazeise, Jr.  
D. Kevin Ryan  
Gary M. Weiss

\* Also admitted in Indiana & Colorado

\*\* Also admitted in Indiana

‡ Also admitted in Georgia

†† Also admitted in Georgia & California

† Also admitted in New York

→ Also admitted in Ohio & Illinois

derbycitylaw.com

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38.251962 -85.757494

Member:  
Legal Netlink Alliance  
An International Alliance  
of Independent Law Firms





**Timothy W. Martin**  
Member  
502.568.0274 (t)  
502.581.1087 (f)  
tmartin@fbtlaw.com

July 24, 2014

**HAND DELIVERY**

Mr. Bill V. Seiller  
Seiller Waterman LLC  
Meidinger Tower, 22<sup>nd</sup> Floor  
462 South Fourth Street  
Louisville, KY 40202

Re: Willow Grande

Dear Bill:

Thank you for your letter of July 15, 2014. We understand your delays and frustrations in regard to finding a unified single voice. This in fact is the very premise for our frustration over the last 5 years of countless neighborhood meetings and hearings. We came to realize very early on that when meeting with 20 area residents or neighbors that are passionate about their City, their neighborhood and surroundings, that each individual brings their own unique perspective.

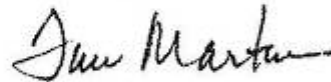
From the very beginning we attempted multiple modifications to the plan that were efforts on my client's part to accommodate suggested changes. We completely re-designed the building three times to attempt to reach a consensus. We have addressed setback, driveway access, screening from the rear, saving the adjoining single family residence, rotating the building to better align with the side street, and many more. Each of these efforts we hoped would create a feeling of cooperation from the opposition yet it has yielded little effect, if any.

It is my personal opinion that the last issue that appears to be the remaining objection by the majority of the opposing residents is the height. After all of the meetings and previous alterations and concessions, we have continuously expressed our request and statement that the height is important to us in its relationship to the balance of the total number of units, the size of those units, and the quality of the architecture of the project as it relates to the other three buildings along Willow Avenue.

Mr Bill V. Seiller  
July 24, 2014  
Page 2

We had hoped that you would have been able to propose a unified voice with a request, yet as stated, we have concluded that if there are ten individuals that oppose the project, there will be ten different ideas as to a suggestion for compromise. With that, it is our intent to move forward with the plans as currently proposed.

Sincerely,



Timothy W. Martin

Copies to: Kevin D. Cogan  
Brian W. Evans  
Erica R. Hodge

0100890.0543836 4841-8819-0492v1



SEILLER WATERMAN LLC

ATTORNEYS

Meidinger Tower, 22nd Floor  
462 South Fourth Street  
Louisville, Kentucky 40202  
502.584.7400  
502.583.2100 Fax

July 28, 2014

Timothy W. Martin  
Frost Brown Todd LLC  
400 W. Market Street, 32nd FL  
Louisville, KY 40202-3363

Via Facsimile: 581-1087

Re: *Cherokee Triangle v. Willow Grande*

Dear Tim:

Thank you for the letter of July 24, 2014.

You are correct, the height of the proposed building is a major concern. If there can be no reduction in that element, it is difficult to see how there could be any agreement.

Perhaps because we do not have all the financial information, we fail to see the overriding need for the proposed height. In any event, we appear to already be at an impasse and litigation will just have to proceed.

Yours truly,

Bill V. Seiller

BVS:dkk  
G:\doc\BVS\Cherokee Triangle-Willow Grande-003 & 004\Martin Tim 072814 wpd

cc: Committee  
John Carroll

Bill V. Seiller  
Joseph H. Cohen  
Alan N. Linker  
Pamela M. Greenwell  
David M. Cantor\*  
Kyle Anne Citrynell  
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+ Also admitted in Ohio & Illinois

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Member:  
Legal Netlink Alliance  
An International Alliance  
of Independent Law Firms

# Concerns Raised at Public Hearing 04-25-13

**Concern:** Discussion of Building Height

**Response** Reduction from 17 to 15 stories also.

"At the time of its construction the [Commodore] was expected to be the first of a trend toward more high rise apartment buildings with views or access to Cherokee Park." - The Bonnycastle Plan (2002)

**Concern:** Setting a Precedent

**Response**

Tab 14 includes all of the non-contributing structures in the Cherokee Triangle. Precedent on re-development of those parcels was set by the Cherokee Triangle Architectural Review Committees denial of an application for a 5 story building at 1049 Cherokee Road.

**Concern:** Blasting

**Response**

If this is a concern to the surrounding neighbors, a no blasting policy will be put in place

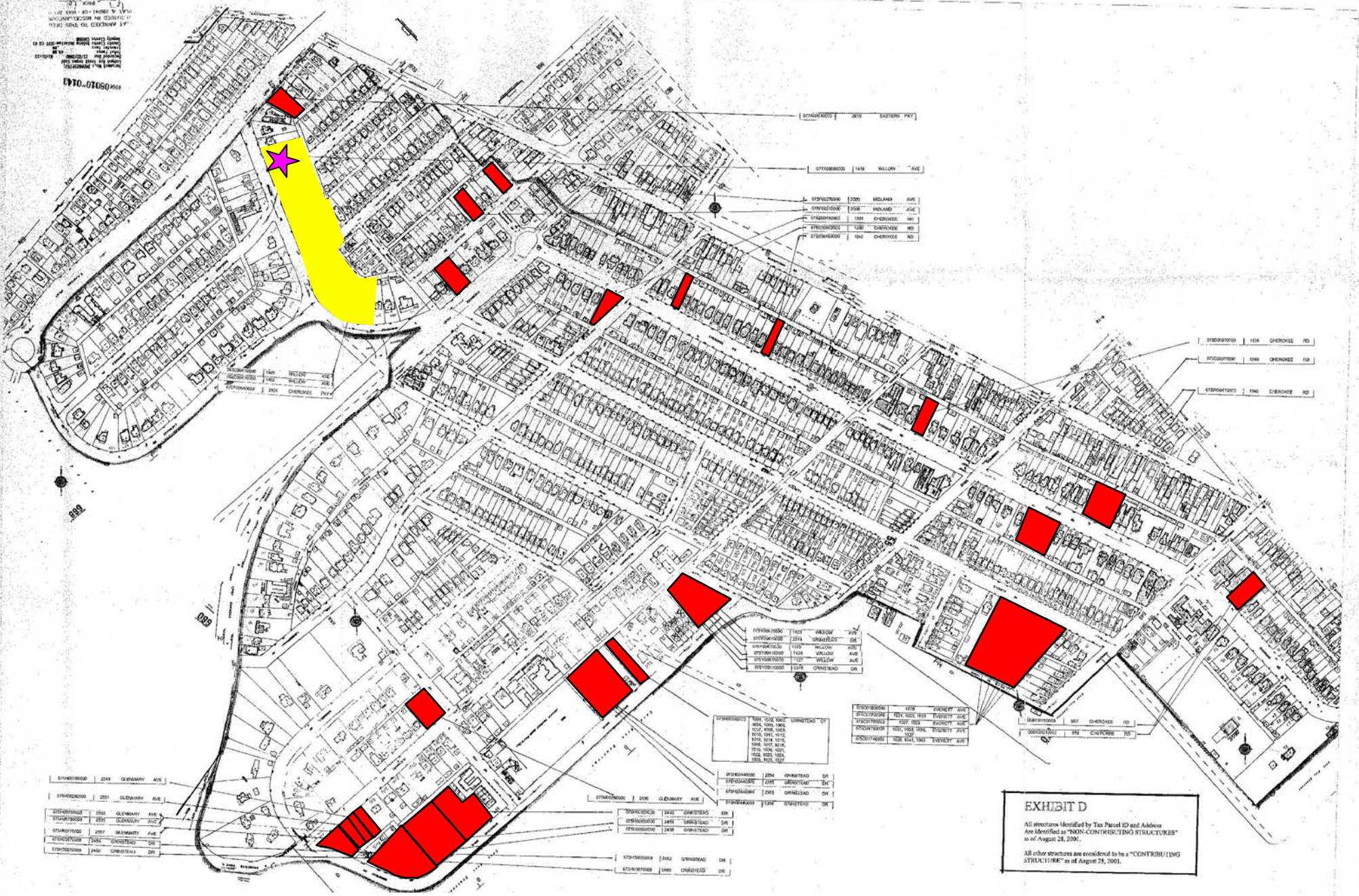
## Concerns Raised at Public Hearing 04-25-13

- Concern:** Trees
- Response** The Applicant will work with the Olmsted Conservancy on a tree planting program within the Cherokee Triangle. The Applicant is willing to contribute 100 trees to the program.
- Concern:** Drainage
- Response** The Applicant will work with MSD in order to have a net positive impact on drainage with the use of green infrastructure.
- Concern:** Architectural Design of Building fitting into the neighborhood
- Response** The Applicant has worked with its Architectural Design Team to add features and materials that are directly similar or identical to the Dartmouth and Willow Terrace. See rendering.

# Tab 9

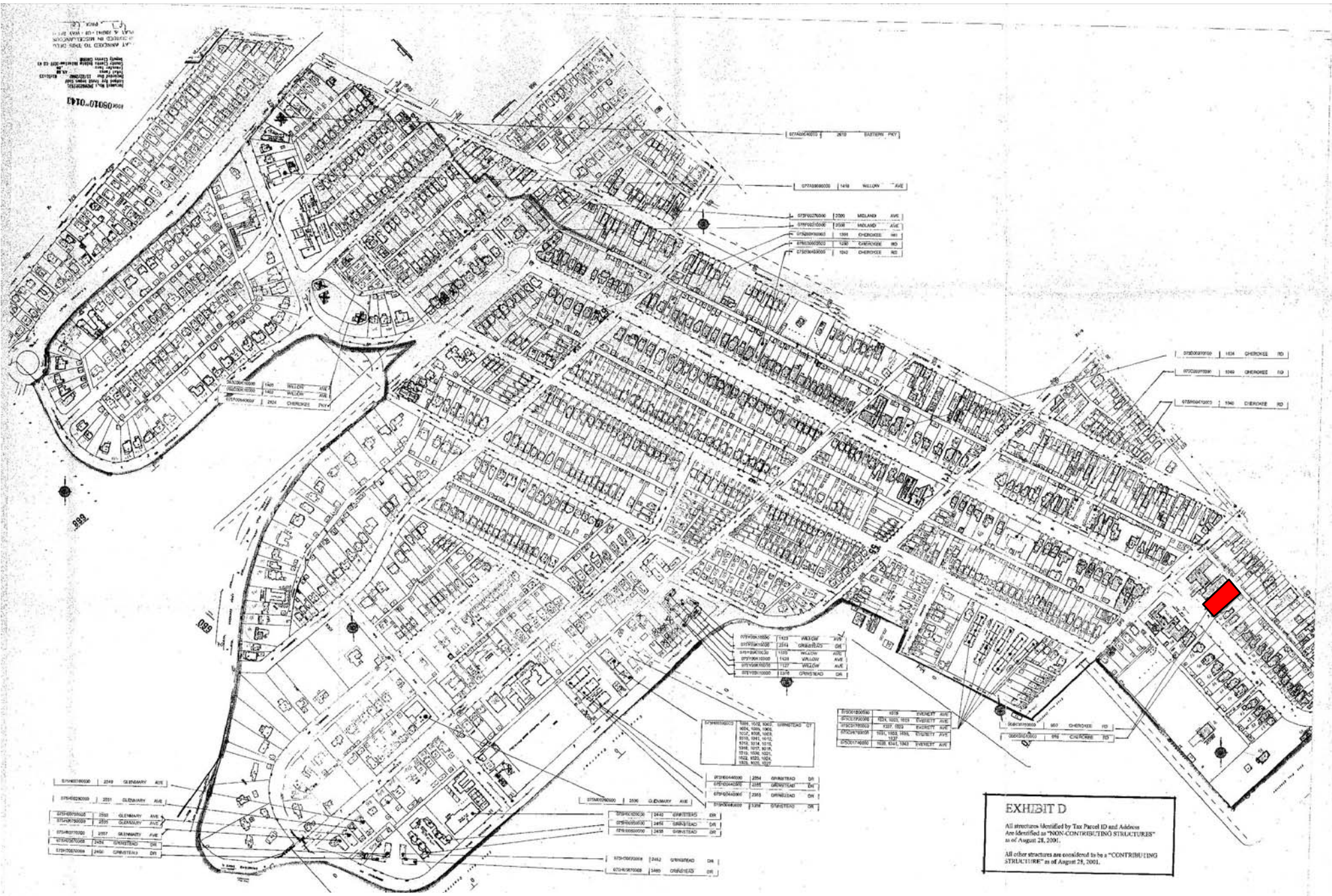
## Non-Contributing Structures





- Non Contributing Structures
- Street Faces where existing context supports high rise structures
- Willow Grande

**EXHIBIT D**  
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**Tax Block 068K, Lots 0051 & 0075**  
**958 & 960 Cherokee Road – The Inverness Condominiums**  
**Structures demolished and parcels consolidated into The Inverness Condominiums**

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**View Looking South**



**View Looking North**

**Tax Block 068K, Lots 0051 & 0075  
958 & 960 Cherokee Road – The Inverness Condominiums  
Structures demolished and parcels consolidated into The Inverness Condominiums**







**1019 – 1043  
Everett Avenue**

**View Looking South**



**1019 – 1043  
Everett Avenue**

**View Looking North**

**Tax Block 075C, Lots 0174, 0176, 0178, 0179 & 0180  
1019, 1021, 1023, 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039, 1041 & 1043 Everett Avenue –  
The Camelot Apartments**







**1124 Cherokee Road**

**View Looking East**



**1124 Cherokee Road**

**View Looking West**

**Tax Block 075D, Lot 0027  
1124 Cherokee Road – Apartments**







**1242 Cherokee Road**

**View Looking East**



**1242 Cherokee Road**

**View Looking West**

**Tax Block 075E, Lot 0049  
1242 Cherokee Road – Apartments**









**1280 Cherokee Road**

**View Looking East**



**1280 Cherokee Road**

**View Looking West**

**Tax Block 075E, Lot 0060  
1280 Cherokee Road – Apartments**







**2020 Midland Avenue**

**View Looking West**

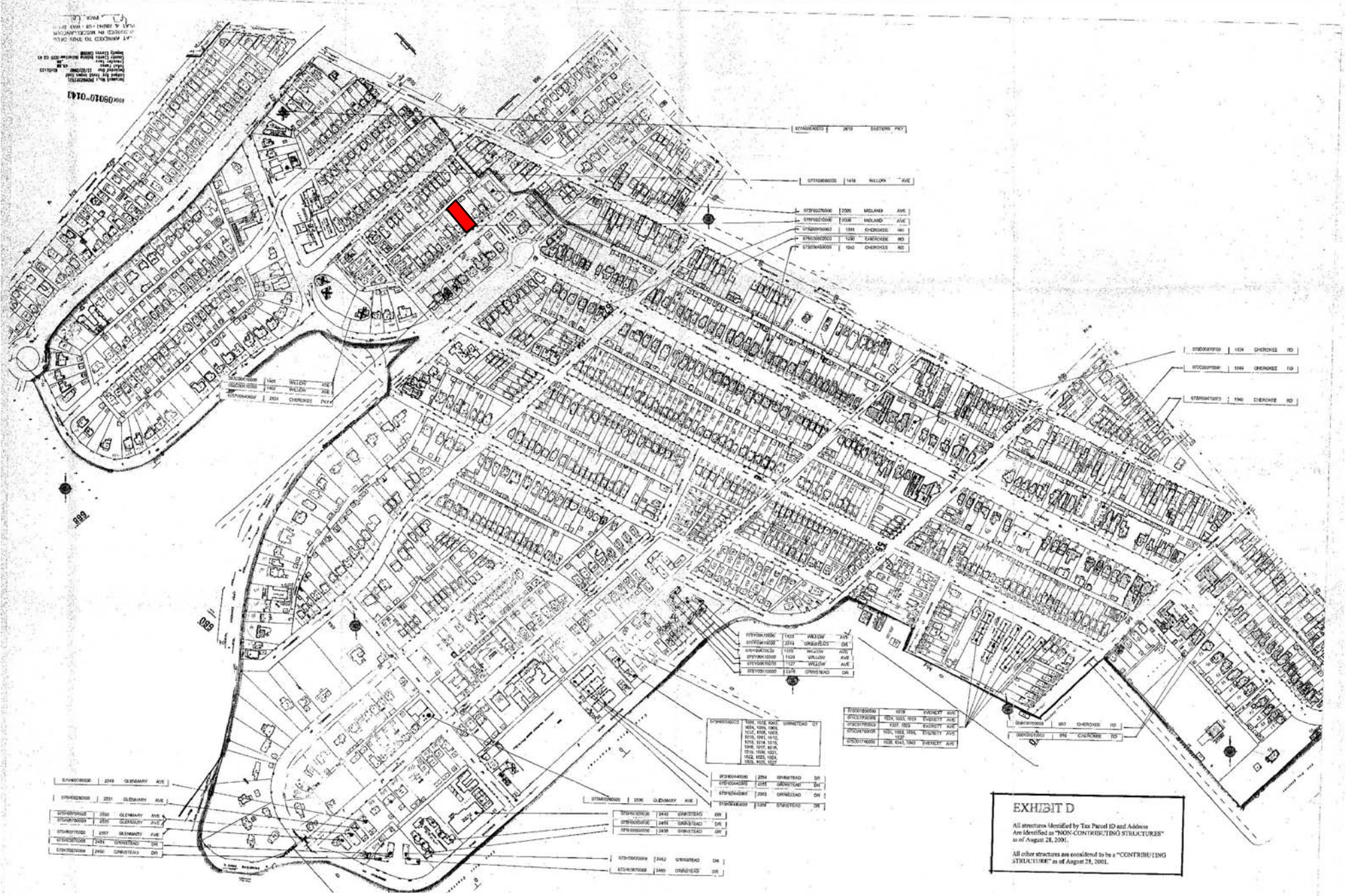


**2020 Midland Avenue**

**View Looking East**

**Tax Block 075F, Lot 0027  
2020 Midland Avenue – Apartments**





**Tax Block 075F, Lot 0031  
 2036 Midland Avenue – Highland Automotive**





**2036 Midland Avenue**

**View Looking West**



**2036 Midland Avenue**

**View Looking East**

**Tax Block 075F, Lot 0031  
2036 Midland Avenue – Highland Automotive**







**2124 Cherokee  
Parkway**

**View Looking West**



**2124 Cherokee  
Parkway**

**View Looking East**

**Tax Block 075F, Lot 0064  
2124 Cherokee Parkway – Cherokee Vista Apartments**









**2551 Glenmary  
Avenue**

**View Looking West**



**2551 Glenmary  
Avenue**

**View Looking East**

**Tax Block 075H, Lot 0029  
2551 Glenmary Avenue – Apartments**







**1001-1027  
Grinstead Court**

**View Looking West**

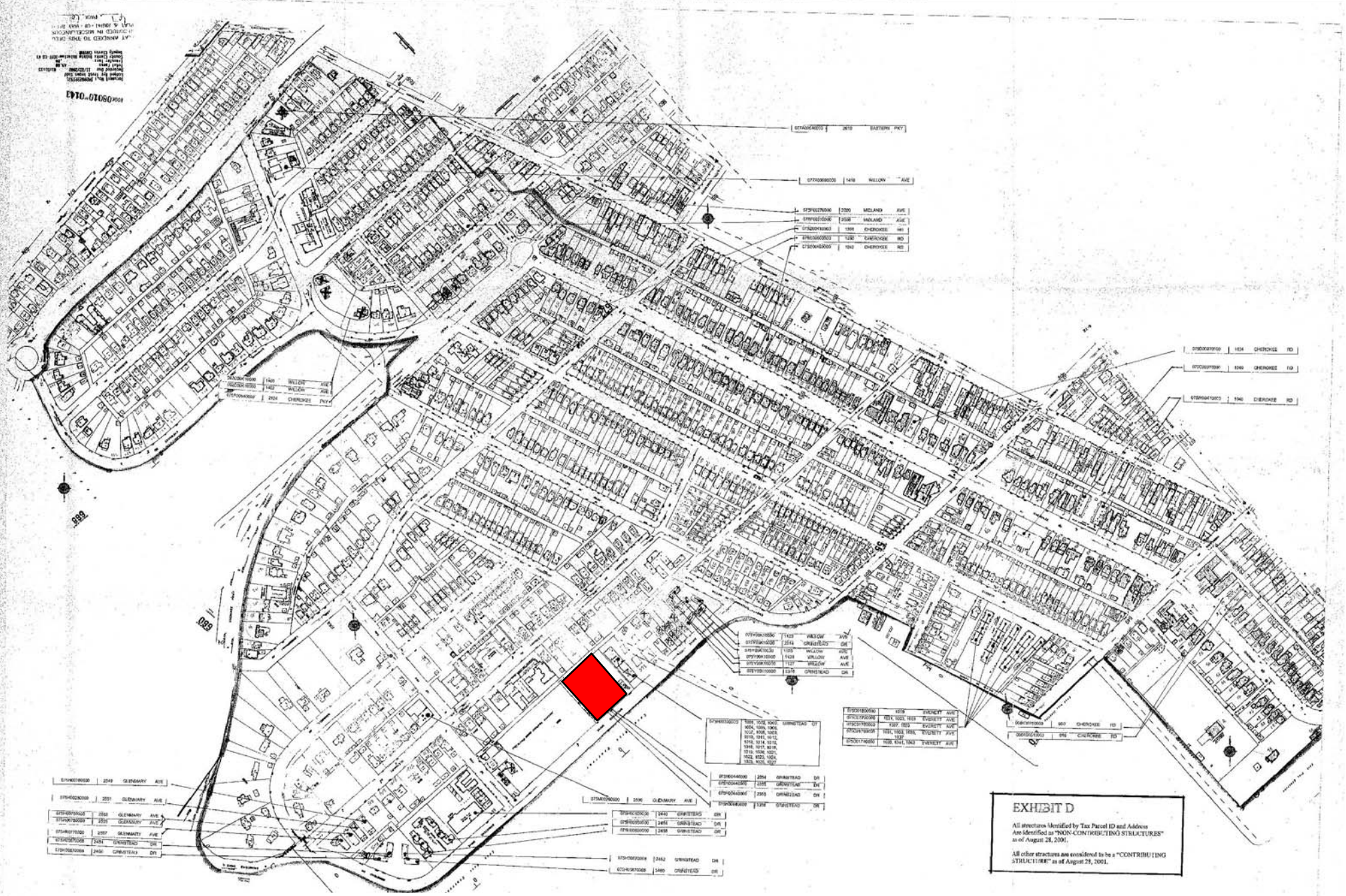


**1001-1027  
Grinstead Court**

**View Looking East**

**Tax Block 075H, Lot 0039  
1001-1027 Grinstead Court – Grinstead Manor Apartments**





**Tax Block 075H, Lot 0044**  
**2354, 2355, 2356 & 2358 Grinstead Drive – Yorktown Apartments**





**2354, 2355, 2356 &  
2358 Grinstead Drive**

**View Looking West**



**2354, 2355, 2356 &  
2358 Grinstead Drive**

**View Looking East**

**Tax Block 075H, Lot 0044  
2354, 2355, 2356 & 2358 Grinstead Drive – Yorktown Apartments**







**View Looking South**



**View Looking North**

**Tax Block 075H, Lot 0062**  
**2440 Grinstead Drive – Louisville Collegiate School**









**2454 & 2455  
Grinstead Drive**

**View Looking West**

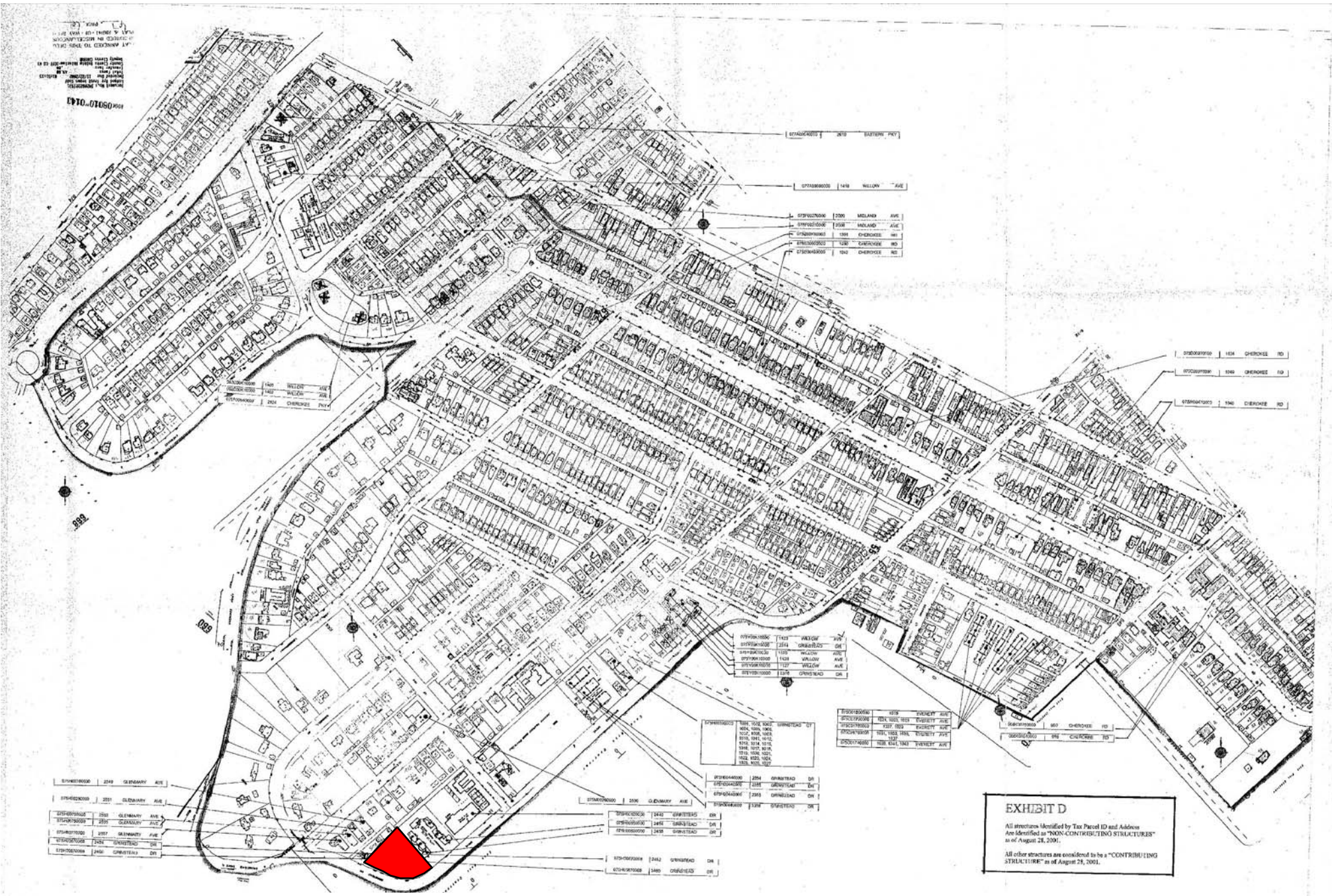


**2454 & 2455  
Grinstead Drive**

**View Looking East**

**Tax Block 075H, Lots 0065 & 0066  
2454 & 2455 Grinstead Drive - Apartments**





**Tax Block 075H, Lot 0067, Sublot 0068  
 2460, 2462, 2464 & 2466 Grinstead Drive - Apartments**

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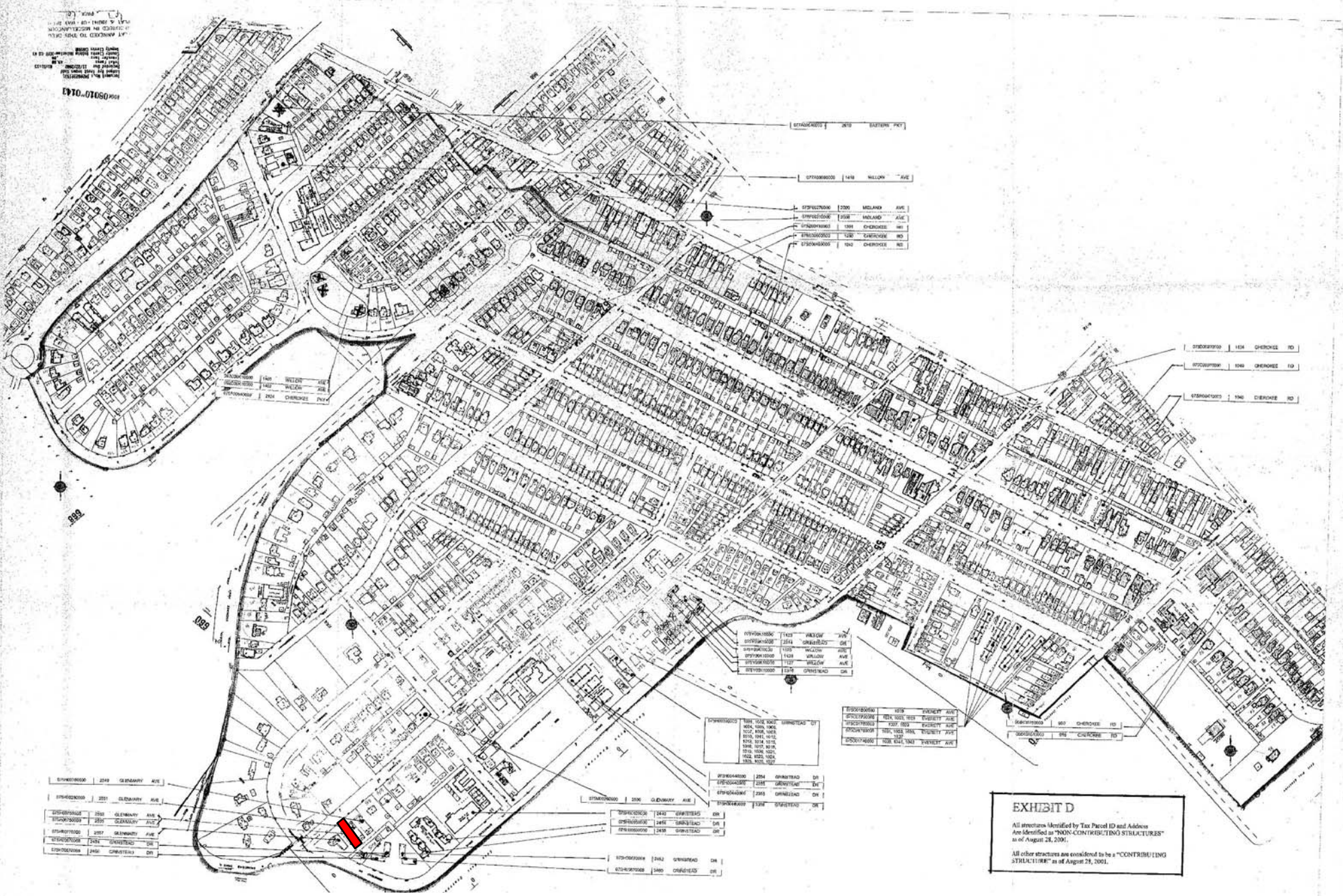
**View Looking West**



**View Looking East**

**Tax Block 075H, Lot 0067, Sublot 0068  
2460, 2462, 2464 & 2466 Grinstead Drive - Apartments**





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**Tax Block 075H, Lot 0075  
 2553 & 2555 Glenmary Avenue – Apartments**





**2553 & 2555  
Glenmary Avenue**

**View Looking West**

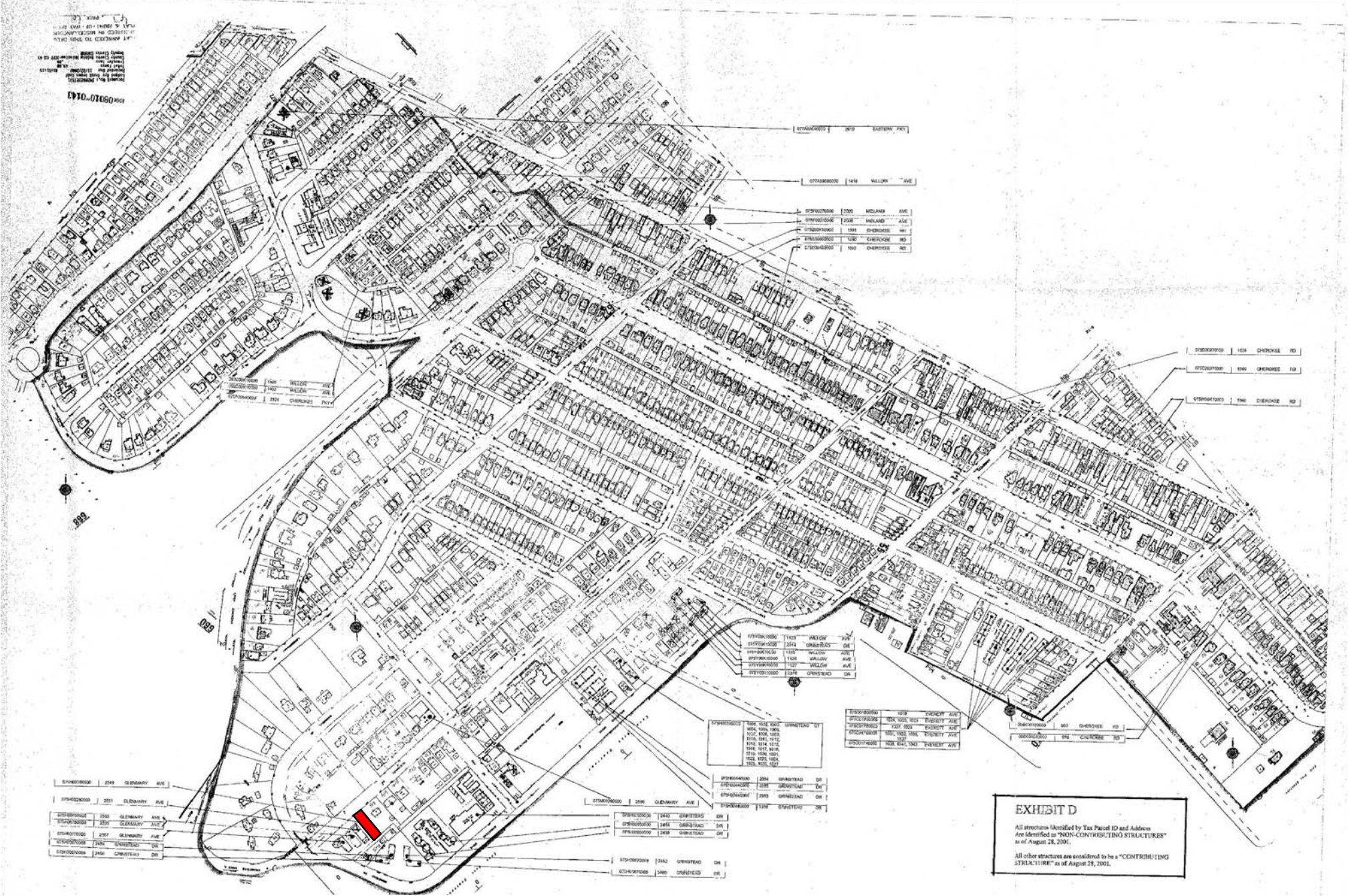


**2553 & 2555  
Glenmary Avenue**

**View Looking East**

**Tax Block 075H, Lot 0075  
2553 & 2555 Glenmary Avenue – Apartments**





**Tax Block 075H, Lot 0076  
 2549 Glenmary Avenue – Apartments**





**2549 Glenmary  
Avenue**

**View Looking West**



**2549 Glenmary  
Avenue**

**View Looking East**

**Tax Block 075H, Lot 0076  
2549 Glenmary Avenue – Apartments**









**2557 Glenmary  
Avenue**

**View Looking West**



**2557 Glenmary  
Avenue**

**View Looking East**

**Tax Block 075H, Lot 0077  
2557 Glenmary Avenue – Apartments**







**2500 Glenmary  
Avenue**

**View Looking West**



**2500 Glenmary  
Avenue**

**View Looking East**

**Tax Block 075M, Lot 0029  
2500 Glenmary Avenue – Condominiums**







**View Looking West**



**View Looking East**

**Tax Block 075M, Lot 0029  
1040 Cherokee Road – Cherokee Gardens Apartments**







**The Oaks  
Condominiums**

**View Looking South**



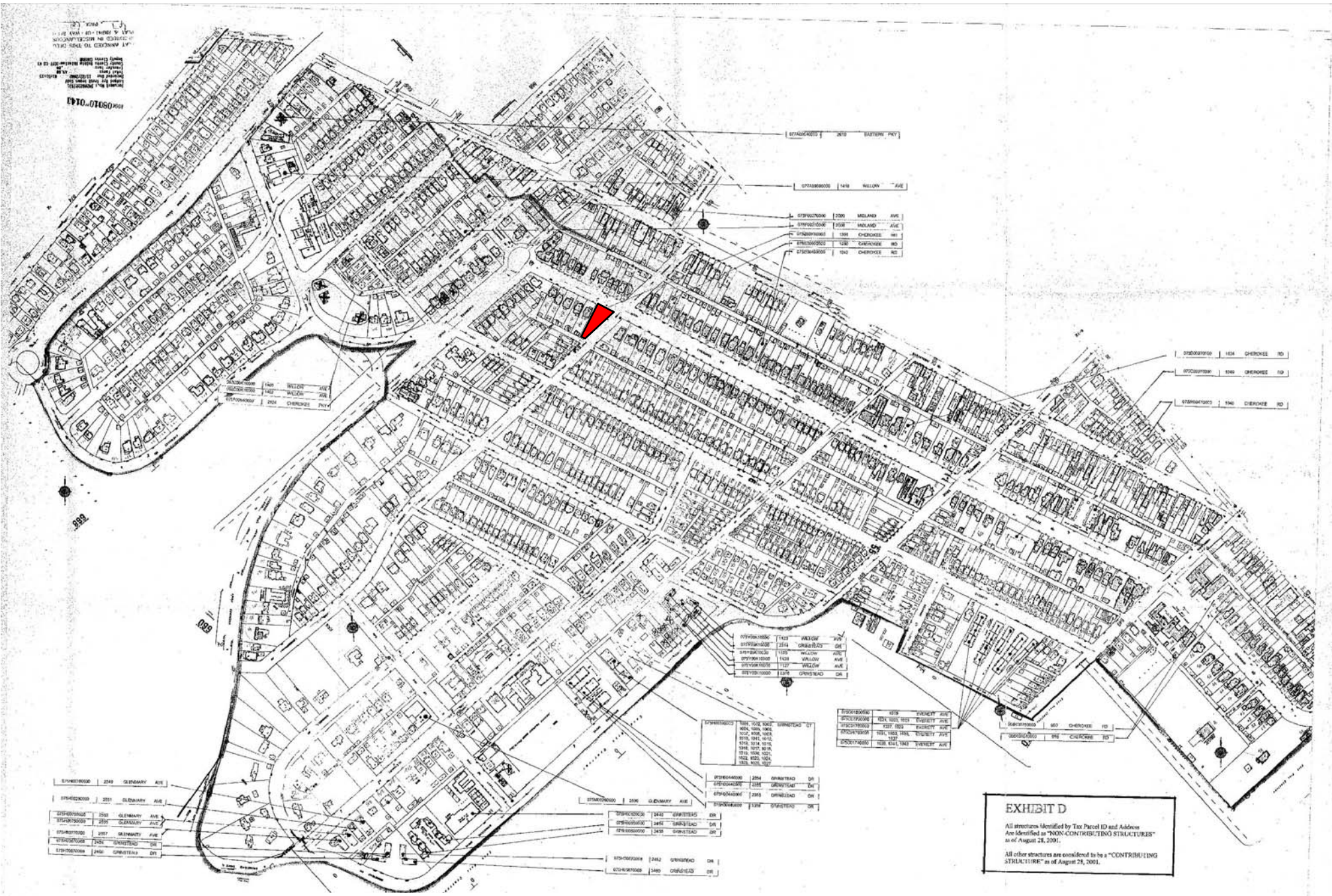
**The Oaks  
Condominiums**

**View Looking East**

**Tax Block 075Y, Lot 00K1**

**2314 & 2316 Grinstead Drive; 1123, 1125, 1127 & 1129 Grinstead Drive – The Oaks Condominiums**





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**Tax Block 075Z, Lot 00K1  
 1301 Cherokee Road – Cherokee Arms Condominiums**







**View Looking West**



**View Looking East**

**Tax Block 075Z, Lot 00K1  
1301 Cherokee Road – Cherokee Arms Condominiums**







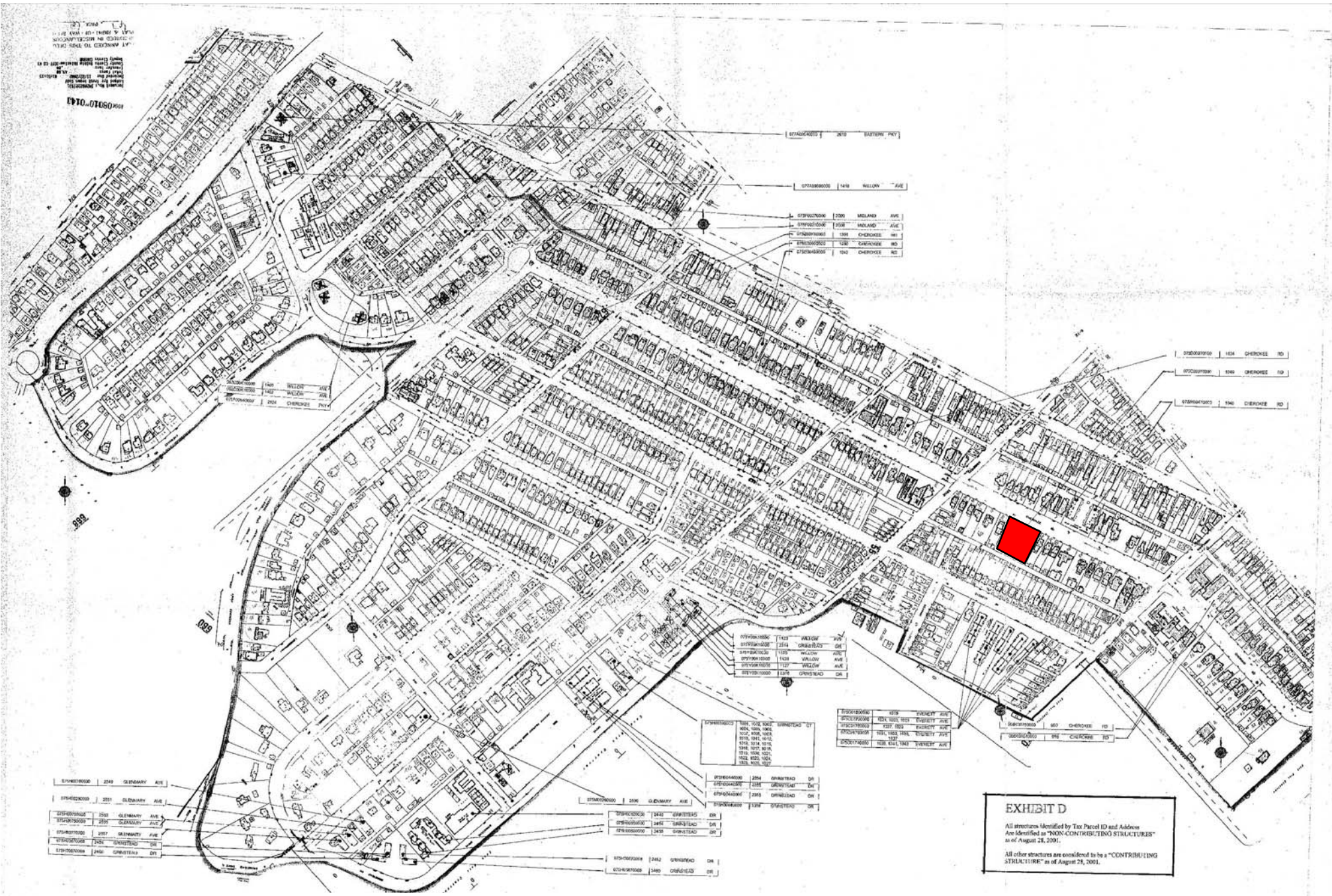
**View Looking West**



**View Looking East**

**Tax Block 077A, Lot 0054  
2019 Eastern Parkway – Park Terrace Apartments**





**Tax Block 075C, Lot 0097**  
**1049 Cherokee Road - The Aquarius Apartments**  
**Denied for a Certificate of Appropriateness for a 5 story condominium building in 2009**





**View Looking East**



**View Looking West**

**Tax Block 075C, Lot 0097  
1049 Cherokee Road - The Aquarius Apartments  
Denied for a Certificate of Appropriateness for a 5 story condominium building in 2009**



# Tab 10

## 1989 Cherokee Triangle Neighborhood Plan



# Chairman's Statement

not too large for a single family -- people living within the City and the Cherokee Triangle are equally deserving of space in which to ramble as those in the County's most spectacular new developments. Finally, not everyone is as kindly disposed as Tim Peters to the will of a neighborhood.

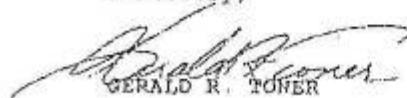
A neighborhood is truly an "entity" as real and necessary as a city, county, state or country. If trees are being lost on one edge of the neighborhood, it effects the lifestyle and property values of someone at the opposite edge. If properties are deteriorating in one block, it will indeed affect the values of property in another block. If one block's alley is a travesty -- with garbage, discarded furniture and overgrown weeds -- the next block's alley has a more difficult task remaining pristine. If one eager, prospective family rejects the Cherokee Triangle in their "house hunting" because the homes for sale are situated next to structures that are ill-kept, with trash strewn about, we have all lost something. If one past, productive family leaves the Cherokee Triangle because they perceive the trend moving against stability and owner-occupancy, no one benefits.

Frustrated by the "brush fire" approach which characterized past neighborhood "calls to action," this Committee rolled up its sleeves and set about the task of creating a blueprint for the Triangle's future. It is barely a start -- but it is that. Like any plan or blueprint, it can be used and implemented or it can be shelved and essentially discarded. It can facilitate greater stability or it can become a quaint, wish list of what "could have been" as we approach the next century.

**This neighborhood plan should be embellished as well as implemented and reformed as necessary to the will of the neighborhood.** Above all, it should be used to avoid decision making by crisis. Cooperation, not confrontation, should remain prevalent in our basic approach.

More than a few thanks are in order. To all members of the Committee -- particularly in the early, pre-funding days-- hats off to their stubborn dedication. To Dave Mulefeld and the staff of the Planning Commission, a very large thank you. They accomplished more on a modest budget than any private consultant could have on a budget three times as great. And finally, to our elected leaders, Mayor Jerry Abramson, Alderperson, Linda Solley, and particularly Linda's predecessor, Mike Carrell, without whom no momentum would have been sustained.

Sincerely,



GERALD R. TONER

# Executive Summary – Land Use Goals

## EXECUTIVE SUMMARY

### 1. Land Use

#### a. Existing Conditions

The Cherokee Triangle study area is bounded by Bardstown Road and Baxter Avenue on the west, Cave Hill Cemetery on the north, Cherokee Park on the east and Eastern Parkway on the south. Cherokee Triangle is a predominately residential area. Businesses are concentrated in the commercial strip along Bardstown Road and in two minor commercial "nodes." Institutional uses in the neighborhood include a private school (kindergarten through 12), a public library and five churches. Existing land use is shown on page 55.

Existing zoning in the Cherokee Triangle study area is residential (86.2%) and commercial (13.5%). In residential areas the most common zoning is the R-7 (multi-family) zone, followed by the R-5 (single family) and R-6 (multi-family) zones. Existing zoning is shown on page 56. Homes in Cherokee Triangle are generally in good condition. According to the 1980 census, 27% of the dwelling units are owner-occupied, 30% are single family homes.

The neighborhood's population in 1980 was 4,405. Population declined since 1970, but at a lower rate than the city as a whole. Income and education levels of study area residents are significantly higher than the city average.

Cherokee Triangle is an historic district listed on the National Register of Historic Places and protected by local preservation ordinances. Cherokee Park is part of the Olmsted park system; also bordering Cherokee Triangle is Cave Hill Cemetery, another historic place.

#### b. Goals

During the planning process, the following goals were developed:

1. Preserve the neighborhood's architectural resources.



## Executive Summary – Land Use Goals

2. Maintain the neighborhood's existing land use pattern: residential core area which contains homes, churches and schools; no office or commercial use in the core; businesses concentrated along Bardstown Road.
  - 3. Substantially increase the rate of owner occupied residential structures. Condominium conversions and the return to single family use of the neighborhood's old homes are supported.**
  4. Strengthen communication among all elements of the Cherokee Triangle community: churches, institutions, businesses, and owners of homes and rental properties. Encourage the participation of all interest groups in the revitalization process.
  5. Promote better maintenance of structures and yards.
  6. Preserve and improve the tree-lined character of streets in Cherokee Triangle.
  7. Minimize negative effects of commercial and institutional uses on adjacent residences.
  8. Reduce the impact of traffic on the area's residential character.
  9. Improve intersections that pose traffic safety problems.
  - 10. Provide adequate quantity of well landscaped off-street parking as part of all the new development or changes of use in existing structures.**
  11. Improve alley conditions: preserve the remaining brick alleys, correct litter and trash problems, upgrade the appearance of garages and carriage houses.
- c. Issues and Recommendations

Land use recommendations are shown on page 60.

## Land Use – Needs Assessment –Existing Conditions

Intensity of residential development is measured by "density", the ratio of the number of dwelling units to land area. Density is normally expressed in terms of dwelling units per acre. Blockfaces throughout the study area were measured to determine the amount of residential land use, and the number of dwelling units was collected. Analysis showed that about half of the residentially zoned block faces throughout Cherokee Triangle fall in the medium density range (5 to 12 dwellings per acre) while about 40% of the residentially zoned block faces fall in the high density range (12 to 35 dwellings per acre). Blockface densities range from about 1 to 62 units per acre. Two block faces that have the highest density ratings (62 and 51) are unusually high for Cherokee Triangle and both include high rise condominiums. Higher density blockfaces typically range between 20 and 35 dwelling units per acre.

The lowest density area is found along the section of Cherokee Parkway adjacent to Cherokee Park. Other low density areas include an area bounded by Eastern Parkway on the south, Cherokee Road on the north and east and Willow Avenue on the west; and an area bounded by Everett Avenue on the west, Glenmary Avenue on the north, Longest Avenue on the south and Grinstead Drive and Cherokee Parkway on the east.

According to the 1980 Census, the rate of owner-occupancy in Cherokee Triangle is 27%; by comparison the city-wide average is 52%. There was an increase of 79 owner-occupied units between 1970 and 1980. This increase may be due to the construction of the 1400 Willow Condominiums, the conversion of several apartment structures to condominiums, and the conversion of homes divided into apartments back to single family use.

**Resident home owners are more concerned with investment than absentee owners; better property maintenance and an increased commitment to improving the neighborhood can be expected when homes are owner-occupied.**

It should be noted that most of the apartment uses in Cherokee Triangle are well maintained and can be considered a stable element in the housing stock. Table 1 in Appendix B shows tract-level owner-occupancy data.

Over 61% of the dwelling units in Cherokee Triangle were constructed prior to 1939. The comparable figure for the city as a whole is 42%. The development of the neighborhood has continued. A 28.8% gain in dwelling units occurred in the Cherokee Triangle neighborhood from 1960 to 1980, a net change of 622 units. Vacancy rates were relatively high, 10.4%;

## Land Use – Needs Assessment – Existing Condition - Zoning

Finally, Cave Hill Cemetery, nearly 300 acres, forms the north boundary of a substantial portion of the neighborhood and provides pleasant vistas as well as a feeling of open space, greenery and absence of nuisances such as traffic, noise, litter and dust. Although a cemetery cannot be viewed as a recreation area, Cave Hill is a unique resource and a pleasant place for walking. It is on the National Register of Historic Places, contains many varieties of trees and plants and also furnishes a visual history of monuments, private mausoleums, sculpture and grave markers of different periods and types. For a serious student of our natural and built environment Cave Hill offers opportunities for enjoyment of beauty and history. It is open from 8:00 A.M. to 4:30 P.M. 365 days a year.

### f. Zoning

**Zoning History of Cherokee Triangle. The general zoning pattern in Cherokee Triangle has changed very little from the time it was established for the City of Louisville in 1931 through today.**

Of the eleven districts established in 1931, the Triangle had four categories within its boundaries:

Light industrial on the east side of Baxter Avenue and Bardstown Road;

Commercial on the east side of Bardstown Road from a point between Patterson and Longest Avenues extending to Eastern Parkway; both corners of the Ray Avenue - Grinstead Drive intersection; Cherokee Road's northernmost tip;

Single family on Cherokee Parkway east of Willow; all of Ransdell Avenue; most of Bassett Avenue; most of Everett and Willow Avenues;

Apartment zoning on the Cherokee Road corridor and streets at the northern and southern ends of the corridor.

**The R-8A district is a product of a 1965 staff review that permitted a density of 58 units per acre, the same as R-8, but omitted such uses as professional offices, clubs, fraternities, sororities and lodges. Rezoning proposed by the Planning Commission following the 1965 creation of the R-8A district resulted in a zoning pattern that permitted fairly high densities for more than half of the Triangle.**

## Land Use – Needs Assessment – Existing Condition - Zoning

The 1969 Comprehensive Plan of Louisville and Jefferson County included a map, policies and guidelines. The map designated two major categories of development in the Triangle area; medium and high density residential. Medium density was defined as 3 to 12 dwelling units per acre and high density began at 13 units per acre and had no upper limit.

At the time of the tornado in 1974 when the Cherokee Triangle was restudied, there were primarily three districts in the area: R-5 single family, and R-8 and R-8A apartment or multi-family districts.

**Zoning in 1974 reflected some less restrictive classifications than those in effect earlier:**

**Willow Avenue between Cherokee Road and Edgeland that was once single family became R-8 and R-9 multi-family residential districts;**

Everett Avenue between Patterson and Longest, and Willow Avenue between the first alley south of Glenmary to the first alley south of Longest that had been zoned for two family dwellings became R-8A; and a small portion of Midland Avenue near the Castleman statute that had been zoned for two family dwellings became R-8A.

An areawide rezoning was undertaken as part of the 1974 Planning Commission study of the Triangle. At that time the 1969 Comprehensive Plan was in effect. **The potential for high density development existed because the Plan's**

**map showed most of the Triangle as an appropriate location for high density residential development**

In the areawide rezoning, permitted densities were limited somewhat. Some of the R-8 and R-8A districts were changed to R-6 Multi-Family that permits 17.42 units per acre and R-7 that permits 34.84 units per acre. Only two properties were zoned for very high density, the 1400 Willow and the Dartmouth Apartments.

Much of the area originally zoned for single family remained intact.

**The present zoning of the area reflects the Planning Commission's rezoning of 1965 when R-8A was created and the post tornado rezoning in 1974.**

The result is that the commercial areas are essentially the same as 1931, the single family area similar and the balance in multi-family residential categories ranging in densities from 17.42 units per acre to 58 units per acre.

# Land Use – Needs Assessment – Existing Condition - Zoning

Existing Zoning. Figure I-2 shows the neighborhood's existing zoning pattern. The following zoning tables present information on the extent of the various zoning districts and the number of apartments allowed in residential zones.

The northeast side of Baxter Avenue-Bardstown Road corridor is zoned C-2 Commercial District from its northernmost tip to its intersection with Eastern Parkway. The C-2 District is less restrictive than most other commercial zones and permits a wide variety of land uses including wholesaling, auto repair, taverns, for-profit trade schools and theaters. Only two isolated areas are zoned C-1, the retail florist shop at the north end of the Cherokee Road corridor and the southeast corner of Ray Avenue and Grinstead Drive. Future uses for sites zoned C-1 include a broad range of service and retail businesses, offices and residential use with density of 34.84 units per acre.

The rest of the Cherokee Triangle, 87.5% of the total acreage, is zoned for residential use, seven categories representing various densities or permitted numbers of dwelling units per acre. Two multi-family zones account for 46.5% of the total Triangle acreage, R-7 and R-8A. Both zones permit group quarters such as boarding houses, homes for aged and infirm people and nursing homes provided eight or fewer persons are accommodated.

**The difference in the two zones relates to density: R-7 permits 34.8 units per acre; R-8A permits 58.1 units per acre.**

The R-8A zone is located along Grinstead Drive and Glenmary across from Cave Hill Cemetery and an irregularly shaped area of about six blockfaces that are south and east of the General Castleman monument along the south side of Cherokee Parkway and along the west side of Willow extending down to Eastern Parkway.

The R-7 District contains the greatest acreage (34.5% of the total); it includes both sides of Cherokee Road from the northern end to Cherokee Parkway; the north side of Cherokee Parkway extending east to Willow, and blocks northeast of Cherokee Road bordering Cave Hill including Everett Avenue, Dearing Court, Highland Avenue and a portion of Grinstead Drive.

Permitted density drops to 17.4 dwelling units per acre in the R-6 Residential Multi-Family District. Four areas are zoned R-6: one blockface on the south side of Glenmary east of Ray Avenue; the core of the area east of Cherokee Road including both sides of Everett Avenue, Hilliard,

# Land Use – Needs Assessment – Analysis – Neighbor's Perception

## e. Crime

Cherokee Triangle's major crime rate per 100,000 persons (6,141) was about 72.0% that of Louisville's. This statistic is based on data from the Louisville Police Department and estimated 1985 population for Cherokee Triangle and the City of Louisville. (See Appendix E).

## 4. Analysis

### a. Residents' Perceptions

A neighborhood's strengths and weaknesses are best known by persons residing there. At the outset of the planning process, a public meeting was held to hear from residents on this topic. The meeting on September 28, 1987 was well attended; the results are shown in Appendix F. **The principal strengths of Cherokee Triangle include the park-like setting and proximity of open space; architectural quality; proximity to stores, services and Downtown; and the strong neighborhood identity. Problems and issues receiving the highest ranking can be summarized as increasing urbanization and inadequate property maintenance.**

Traffic detracting from residential ambience, development that is too intense, noise and inadequate parking are urban pressures affecting the Triangle. Absentee property owners and conditions along the alleys are specific areas where increased maintenance is required.

### b. Land Use

Cherokee Triangle is a fully developed, predominately residential area. A mixture of single family and apartment residences occur throughout most of the neighborhood. Most blocks are in the medium density range (5 to 12 dwellings per acre of land). Low density, high density and in two blocks, very high density (over 35 dwellings per acre) occur within the neighborhood. The lack of vacant land and of commercial intrusion in residential areas are noteworthy characteristics of Cherokee Triangle. The field survey of the Triangle located a single vacant, buildable lot in the neighborhood's residential area. The two commercial nodes in the neighborhood's residential area are small and well defined. A single instance of commercial development situated in a residential blockface exists, the auto repair use on Midland Avenue. For a neighborhood largely developed

## Land Use – Needs Assessment – Analysis – Land Use

prior to the establishment of zoning, the consistency of residential use indicates the original developers' commitment to creating a desirable residential area.

Most of the original structures built in the Triangle are still standing.

**A trend in the 1960's and 1970's began to replace original construction with modern apartment structures. This trend was one of the factors in the neighborhood's designation as a landmarks district, with substantial restrictions on demolition and new construction.**

In recent years, the neighborhood has witnessed expansion of Collegiate School and the Eastern Star nursing home. With these exceptions, land use is very stable.

Institutional uses have been part of Cherokee Triangle since its inception. One aspect of institutional uses and the neighborhood's small commercial nodes that does not enhance the residential setting is off-street parking lots. Parking is in short supply and the lots provided by these uses benefit residents directly and indirectly. The parking lots in the Triangle pre-date regulations establishing perimeter and interior landscaping requirements.

### c. Zoning

Existing zoning in the study area was compared to existing land use, to locate areas of non-conformity and to determine areas zoned for more intense development than currently exists.

Nonconforming Uses. Nonconforming uses are land uses of a type or intensity that are no longer permitted in the zoning district in which they exist. Nonconforming uses were in existence prior to the establishment of zoning in 1931 or prior to a zoning change affecting the area. Although not in accordance with the zoning regulations, nonconforming uses may legally continue. However, expansion of a nonconforming structure or use is prohibited.

Commercial use in a residential zone is one type of nonconforming use that occurs in the study area. The only instance of this type of nonconformity is the auto repair use on Midland Avenue. Another form of nonconforming use is multi-family residential in single family residential zoning districts. As with commercial uses in residential zones, some multi-

## Land Use – Needs Assessment – Analysis – Land Use

family uses predate single family regulations. In some instances, carriage houses formerly occupied by domestics (a permitted use in single family zones until 1954) are now used as rental units. The number of large homes that may include a rental unit in the principal structure or carriage house is difficult to ascertain by means of a windshield survey.

**Nonconformity also exists when structures zoned for apartment use have more apartments than allowed. On a block level, residential areas are well within the density permitted by existing zoning.**

however, individual structures in some instances have more dwellings than permitted. This circumstance is the result of zoning changes over the years which have reduced permissible densities in the Triangle. In some cases, apartments may have been added despite zoning restrictions, to generate additional cash flows. The latter case is an illegal rather than a nonconforming use. Because of the various zones that have existed in the Triangle and the difficulty of determining a correct unit count, illegal apartment uses are not readily identified.

Commercial Zoning. Existing zoning along the Bardstown-Baxter corridor and in the two commercial nodes permits existing development in those locations. C-2 zoning occurs along much of the Bardstown-Baxter corridor, and is appropriate for a major commercial corridor. Uses in the two commercial nodes would be permissible in the C-N district, a neighborhood commercial zone that allows a smaller range and lesser intensity of commercial operations. The former greenhouse site at the north end of Cherokee Road is the only location with unexercised commercial rights.

Residential Density. The five residential zoning classifications in Cherokee Triangle permit varying densities. Existing and permitting densities were compared in two ways, to determine the appropriateness of existing zoning. From the best information available, the existing number of dwelling units was identified. Density was then calculated, on a lot-specific basis and at the blockface level. The results of this analysis can be summarized as follows.

The R-5 zone allows single family homes only, at a maximum density of seven units per acre. Areas zoned R-5 range from one to seven units per acre. Several blockfaces near Cherokee Park would be conforming in lower density zoning districts (R-2, R-3, R-4).



## Land Use – Needs Assessment – Analysis – Land Use

The R-6 zone allows single family and apartment uses, at a maximum density of 17 units per acre. On the blockface level, some areas in this classification are developed at lower density. The blocks north of Glenmary and east of Everett, as well as the block between Midland and Edgeland require R-6 zoning. Average density in the balance of the R-6 blockfaces is significantly below that permitted in the R-6 zone. On a parcel specific basis, two-thirds of the lots in the lower density areas zoned R-6 would be conforming in the R-5A zone (12 units per acre permitted).

R-7 zoning allows single family and apartment uses, up to a maximum density of 35 units per acre. On a blockface level, R-7 areas between Grinstead and Patterson, and south of Patterson on the east side of Cherokee Road are not developed to R-7 density. These areas would be conforming in the R-5A or R-6 zones. Two-thirds of the parcels in these areas would be conforming in the R-6 zone, as would the east side of the 900 block of Cherokee Road.

**R-8A allows residential uses to a density of 58 units per acre. Most blockfaces in this classification would conform to the density limits of the R-6 or R-7 zones.**

On a parcel specific basis, R-8A areas west of Ray Avenue and north of Glenmary are predominately conforming in the R-7 zone. R-6 would accommodate most of the parcels east of Ray and south of Glenmary. Most of the blockface between Cherokee Road and Everett (south side of Cherokee Parkway) would be conforming in the R-6 zone as well. **R-8A**

**zoning is the appropriate classification for the Dartmouth and Willow Terrace buildings.**

Over two-thirds of the parcels south of Baringer would be conforming in the R-6 zone.

OR-3 zoning allows varying maximum densities depending on unit size. This is the appropriate zone for 1400 Willow.

In summary, residential zoning in Cherokee Triangle allows more intense development than exists in much of the neighborhood. In many blockfaces, less than one-third of the lots require zoning as permissive as their current classification. Existing zoning theoretically would allow the number of dwellings in Cherokee Triangle to increase from 2700 to 6100.

**Historic district status and parking requirements would not allow the theoretical maximums to be attained.**

Nevertheless this comparison illustrates the discrepancy between existing zoning and current development

## Land Use – Needs Assessment – Analysis – Land Use

patterns. The appropriateness of depending upon historic district regulations rather than zoning to preserve the neighborhood's medium density character is questionable.

### d. Housing

**Some positive trends in the neighborhood's housing stock are discernible. Owner occupancy is increasing. This can be attributed both to the growth of condominium ownership and to residential structures being returned to single family use. There appears to be a strong market for owner-occupied units.**

Census data showed a substantial increase in value of owner-occupied structures. Only a part of this increase would be attributable to inflation; value for owner-occupied structures in the Triangle increased by 296% from 1970 to 1980. The city-wide increase was 215%. Rents in the Triangle did not increase as much as city-wide rents did. The gap between average rents in Cherokee Triangle and in Louisville declined from 1970 to 1980. The relative desirability of rental units in the Triangle appears to be on the decline.

Structural conditions in the Triangle are good. Most of the residential structures receive adequate to high levels of maintenance. Exceptions do exist, however. Scattered instances of undermaintained structures occur in the study area, approximately 3% of the housing stock. Although a small percentage, these structures have a negative effect on adjacent housing and the neighborhood's appearance in general.

A more widespread concern is the condition of the alley side of residential areas. Problems include litter, deteriorating garages and unmaintained vegetation. Parking areas frequently are unpaved. Trash cans stored near the alley also detract from the appearance of the alley side of residences. Problems are compounded along the parallel alley separating Cherokee Road and Bardstown Road and Baxter Avenue.

The condition of commercial property on the west side of the alley does not encourage a high level of maintenance. The back of many of the commercial structures is unsightly. Parking lots and loading areas are not screened or landscaped; outdoor storage and inoperable vehicles occupy some locations. In general, the view of the commercial area to the west is a disincentive to good quality residential use.

## Land Use – Needs Assessment – Issue and Goals

property values, the availability of professional design guidance, neighborhood improvement, both physically and aesthetically, and protection from destructive planned change. By the same token, owners are responsible for helping to maintain the distinctive characteristics which make a historic district unique.

The Landmarks Commission staff provides property owners with design assistance, information on tax incentives for rehabilitation, and historical documentation.

Government actions have been supplemented by interested citizen groups. Highlands Community Ministries sponsors many community services and programs in the neighborhood as well as in the greater Highlands area. Their activities are located in the churches and outreach programs affect those persons in need. In addition, other groups such as Bardstown Road Tomorrow have been active in promoting various agenda relating to specific problems and issues.

### 6. Issues and Goals

Based on the preceding analysis and input from public meetings, goals for Cherokee Triangle have been developed. These are general statements indicating the desired future direction of the neighborhood, and elements of the Triangle to be preserved

Issue statements, incorporated in section C. of this plan, identify the specific problems facing the neighborhood during this planning process. As these issues change or new ones arise, the following goals indicate the policy direction endorsed by Cherokee Triangle residents. Specific actions can be evaluated for appropriateness in light of these goals.

- 1) **Preserve the neighborhood's architectural resources.**
- 2) Maintain the neighborhood's existing land use pattern: residential core area which contains homes, churches and schools; no office or commercial use in the core; businesses concentrated along Bardstown Road.
- 3) **Substantially increase the rate of owner occupied residential structures. Condominium Conversions and the return to single family use of the neighborhood's old homes are supported.**

## Land Use – Needs Assessment – Issue and Goals

- 4) Strengthen communication among all elements of the Cherokee Triangle community: churches, institutions, businesses, and owners of homes and rental properties. Encourage the participation of all interest groups in the revitalization process.
- 5) Promote better maintenance of structures and yards.
- 6) Preserve and improve the tree-lined character of streets in Cherokee Triangle.
- 7) Minimize negative effects of commercial and institutional uses on adjacent residences.
- 8) Reduce the impact of traffic on the area's residential character.**
- 9) Improve alley conditions: preserve the remaining brick alleys, correct litter and trash problems, upgrade the appearance of garages and carriage houses.

# Land Use – Projections

## B. PROJECTIONS

Cherokee Triangle is a compact neighborhood with unique qualities and assets. The following paragraphs attempt to project changes that may occur if present public policies and trends continue unchanged. Recommendations of the neighborhood plan are designed to check trends that tend to damage neighborhood character and devalue property.

The Triangle's most obvious asset, its housing stock, will be damaged significantly if structures are allowed to deteriorate. Poor maintenance of properties puts the housing and neighborhood character at risk. However the Historic Landmarks and Preservation Districts Commission was established to protect neighborhoods that have designated preservation districts. Landmarks protects structures from demolition and inappropriate exterior alteration and provides programs that encourage proper use and rehabilitation of structures.

Poor maintenance of property and increased density are trends that endanger the Triangle's desirability as a popular in-town residential area. Deterioration of any property reflects on others and effects become cumulative. Isolated instances of structural decline are present in Cherokee Triangle; and may increase if not corrected.

The housing stock contains examples of historic homes built over a span of 50 or more years, ranging in occupancy accommodation from single family homes to large multi-family buildings. Large dwelling units, single family homes and large apartments may continue to be divided into smaller units creating greater densities and attracting a more transient population. **Increased transiency is perceived as an encouragement for neglected maintenance.** Existing zoning allows high density in much of the neighborhood.

Added need for parking automobiles increases pressure to demolish deteriorated structures rather than improve them. Creation of parking facilities within blockfaces destroys neighborhood aesthetic and historic ambience and appeal. Landmarks Commission regulations present this possibility for the most part.

The Baxter Avenue-Bardstown Road corridor is likely to remain much as it has in the past with market conditions being the impetus for improvements,

## Land Use – Projections

changes or closure of businesses. Without concentrated attention the alleys at the rear portions of commercial businesses will continue to have some negative impact on adjoining residential property.

Cherokee Triangle's entry points are not well defined. Other than the Landmarks District signs, no identifying features are provided. Street lighting is utilitarian; no attempt has been made to coordinate lighting fixtures with the area's architectural character. Without special efforts by the neighborhood, these conditions will continue.

The neighborhood's recreational opportunities are basically dependent upon Cherokee Park which is a substantial asset. Added play areas for small children are not likely to be provided unless existing institutions make some special concessions.

### Comprehensive Plan Recommendations

The following guidelines from the Comprehensive Plan are relevant to the projected conditions in the Cherokee Triangle study area:

#### E-25 Assist the preservation of historic districts and site by:

- a) acquiring, when feasible, buildings and sites or easements for public use, and
- b) utilizing government funds for historic preservation to leverage other funding sources, and
- c) providing technical advice to the private sector on seeking funding sources, determining appropriate reuses, formulating rehabilitation strategies and disseminating information regarding federal tax incentives.

R-1 Protect residential neighborhoods from adverse impacts of proposed development and land use changes.

R-4 Avoid residential development that has a significantly different size, height, mass or scale from adjacent development.

#### R-5 Develop residential densities that are compatible with adjacent residential areas and other adjacent land uses

# Land Use – Alternatives and Recommendations – Alternative Strategies

Alternative 2, parts "a" and "b" are recommended. Poor condition of housing stock degrades the character of the neighborhood. Alternative 1, doing nothing and allowing the market forces to determine the future of these properties is unacceptable because the houses will likely continue to deteriorate. Investment in adjacent housing may be withheld, causing additional structures to deteriorate as well. Conversion of structures to non-residential use was not chosen. Parking problems likely would increase. In addition, Plan Committee members expressed the goal of retaining the neighborhood's residential character. Office uses can locate in a variety of settings throughout the community. The Triangle's location near Cave Hill Cemetery and Cherokee Park is especially appropriate for residential use. Because of its historic structures the Triangle offers a residential setting not available elsewhere in Louisville, that should be preserved. Alternative 2 part "a" is more desirable than part "b" since it employs a non-regulatory method of improving the area. However, part "b" is acceptable if more pressure is needed for improvements to be accomplished.

**b. Issue:** High density apartment zoning allows division of residences into numerous, small apartments. Parking problems and deterioration of homes have resulted in some instances.

## Alternatives

1. Do nothing, allow the existing zoning pattern and enforcement mechanism to continue.
2. Continue neighborhood efforts to monitor compliance with density and parking requirements.
3. **Seek rezoning to a less permissive classification for blockfaces of former single family homes that:**
  - a) would be substantially conforming in a less permissive zoning district;
  - b) **Would become predominately non-conforming in less permissive zoning district (zoning as a statement of policy for the area's future direction).**

This was identified as a serious issue in which alternative 2 should be employed in conjunction with alternative 3 part "b". The need for

## Land Use – Alternatives and Recommendations – Alternative Strategies

enforcement of existing regulations that limit creation of additional apartments is recognized. Because of the small staff responsible for zoning enforcement throughout the city, neighborhood efforts to monitor new development are needed.

The rezoning issue was discussed at length. Zoning that substantially conforms to the existing land use would allow creation of numerous additional apartments. This would further increase the demand for parking and result in paving substantial yard areas for parking. A conforming zoning pattern would also conflict with the goal of increased owner-occupancy of single family and condominium units.

The Plan Committee's endorsement of less permissive zoning for the areas originally built as single family homes is based on KRS 100 which allows nonconforming uses to continue. The intention of the zoning change is to shape future investment in the neighborhood, rather than penalize existing uses.

Alternative 3 "b" was not recommended for structures built as four or more apartment units, or blockfaces predominately occupied by structures built as apartment buildings. Rezoning for these uses may be appropriate under 3 "a".

c. Issue: Deteriorated conditions on the alley side of some residential properties. Litter, no provision for trash receptacles, unpaved parking areas, unmaintained green spaces, deteriorated garages and carriage houses occur throughout the neighborhood.

- Alternatives:
1. Do nothing.
  2. Continue neighborhood association efforts to achieve cleanup on a voluntary basis.
  3. Expand voluntary efforts, encourage paving of parking areas, improved treatment of available green spaces, and rehabilitation or clearance of structures (e.g., group purchasing).
  4. Pursue regulatory measures for property maintenance and removal of blighting structures.



# Land Use – Alternatives and Recommendations – Land Use Recommendations

## 2. Land Use Recommendations

Land recommendations and criteria for future land use in Cherokee Triangle are presented in this section of the report. The land use plan consists of a set of guidelines and a map (Figure I-6). The guidelines contain the land use recommendations; the map defines areas for which specific recommendations have been made. The land use plan is the result of the problem identification and alternatives evaluation process conducted with the Cherokee Triangle Association's Plan Committee during 1987-88.

The plan is an application of the Comprehensive Plan to specific conditions existing in the study area. Site-specific recommendations (map and guidelines) represent the neighborhood's intent and best planning judgment at a given point in time. As conditions change and new opportunities arise, site-specific recommendations may need to be changed. The plan should not stand in the way of desirable changes that were not foreseen during the planning process.

### a. Land Use Guidelines

1. Take steps to improve the condition of under-maintained residential structures:
  - a) use voluntary measures, such as financial incentives, sale to new owner with ability to upgrade the site; and
  - b) employ regulatory pressure, including enforcement of housing and zoning codes.
2. Encourage property owners to beautify the alley side of residential areas through paving of parking areas, improved landscape treatment of available green spaces, and rehab or clearance of garages and carriage houses.
3. Pursue regulatory measures for property maintenance and removal of blighting garages and carriage house.
4. Continue neighborhood efforts to monitor new apartment uses for compliance with density and parking requirements.
5. Seek rezoning of formerly single family homes to significantly reduce the potential for additional apartments.

# Land Use – Implementation

## 5. Guidelines 5 and 6: Seek rezoning to reduce additional apartments.

Zoning changes proposed for Cherokee Triangle are shown in Figure 1-8.

**The rezoning is intended to support increased owner-occupancy of structures,** single family use and higher quality apartments by restricting the creation of new apartment uses.

The major zoning change would be the creation of a new zoning classification that allows two dwelling units per lot (tentatively called R-5B). This classification would allow resident property owners to receive income from a carriage house or an apartment in the main structure, without allowing homes on large lots to be divided into multiple units. Structures with more than two units would become nonconforming under this proposal.

Nonconforming status prohibits additional apartment uses and expansion of the building size or area. Continued use of existing apartments is permitted, with no expiration period; sale of the property does not affect nonconforming status. Given the size of existing structures and the fact that very few if any have been expanded in recent years, the restriction on expansion should not be a significant problem for nonconforming structures. It should also be pointed out that nonconforming structures destroyed by fire or other involuntary factors can be reconstructed. The R-5B zone is proposed for portions of the neighborhood currently zoned for apartment use, and predominantly (two-thirds or more) of parcels occupied by structures built as single family homes. Individual structures originally built to contain four or more apartments are recommended to retain existing zoning or a less permissive apartment classification which accommodates the use.

In the event that the proposed R-5B zone is not created by the Planning Commission and the Board of Aldermen, rezoning based on existing zoning classifications should be pursued. The R-5A classification is the existing zone that most resembles the R-5B district.

In addition to the R-5B proposed changes, rezoning is proposed for blockfaces with more than one-third of the structures built as

# Land Use – Priorities

LAND USE GUIDELINES	RANK ASSIGNED	IMPLEMENTATION MEASURES
<b>Highest Priority</b>		
<b>5. Seek rezoning of former single family homes to significantly reduce the potential for additional apartments.</b>	1	D. 1
1B. Take steps to improve the condition of undermaintained residential structures by employing regulatory pressure, including enforcement of housing and zoning codes.	2	D. 5
High Priority		
9B. Seek improvement of conditions of the commercial properties by working with business associations to promote clean-up and enhancement of problem sites.	3	D. 4
10A. Based on the city-wide assessment of street trees (to be conducted by the city arborist in the next two years), assist implementation of the tree removal and planting recommendations by providing information to adjacent property owners and encourage their cooperation.	4	D. 8

# Questions



# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 1:** Preserve the neighborhood's architectural resources.

**Compliance:** Willow Grande will eliminate an eyesore and replace it with a structure that enhances the architecture of the neighborhood.

The Applicant had engaged the architectural firm of Joseph & Joseph, the same firm that designed the Dartmouth and Willow Terrace and also the same firm that designed the homes at 1416, 1420, 1480, 1482 Cherokee Road and 1415 and 1419 Willow Avenue.

The Applicant has provided extensive effort and diligence in creating all architectural features and building materials that mirror and complement the adjoining Dartmouth and Willow Terrace.

# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 2:** Maintain the neighborhood's existing land use pattern: residential core area which contains homes, churches and schools; no office or commercial use in the core; businesses concentrated along Bardstown Road.

**Compliance:** Willow Grande will maintain the existing land use pattern as previously established by the construction of the Dartmouth, the Willow Terrace and 1400 Willow. There is already a pattern of high rise developments in this two block area.

We feel that the proposed development complements the existing land use pattern in the residential core of this district

# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 3:** Substantially increase the rate of owner occupied residential structures, Condominium conversions and the return to single family use of the neighborhood's old homes are supported.

**Compliance:** The proposal converts the existing rental units of the Bordeaux to 24 owner occupied units.

# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 4:** Strengthen communication among all elements of the Cherokee Triangle community: churches, institutions, businesses, and owners of homes and rental properties. Encourage the participation of all interest groups in the revitalization process.

**Compliance:** The applicant proposes to purchase lifetime memberships in the CTA for every condominium unit owner.



# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 5:** Promote better maintenance of structures and yards.

**Compliance:** There will be a condominium association formed (composed of the unit owners) that will have responsibility for the maintenance of the building as well as the common areas. Note that it is typical for the lawns, grounds and maintenance of the condominiums buildings to be managed by the very owners that reside in the development and are generally maintained to a much higher degree and standard than apartment rentals.

# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 6:** Preserve and improve the tree-lined character of streets in Cherokee Triangle.

**Compliance:** Applicant will consult with the CTA Tree Committee, the Olmsted Conservancy and other appropriate parties on a tree planting program within the Cherokee Triangle. The Applicant is willing to contribute 100 trees to the program.

In addition, the Applicant will contribute \$20,000 towards an endowment fund to be established for the maintenance, landscaping and improvements to Willow Park.

# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 7:** Minimize negative impacts of commercial and institutional uses on adjacent residences.

**Compliance:** The proposed development does not create any such impact from commercial or institutional use.

# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 8:** Reduce the impact of traffic on the area's residential character.

**Compliance:** The project will include an underground parking structure, which will significantly reduce the demand for on-street parking spaces which are currently being used to capacity by the rental units. In addition, owner occupied units produce less overall ingress and egress than rental units.

Owners typically move in and stay for multiple years, whereas rental units have a turnover rate of 6 to 12 months, increasing greatly the amount of moving trucks, pick-up truck and vans on the neighborhood streets.

# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 9:** Improve intersections that pose traffic safety problems.

**Compliance:** The conversion of the rental apartment units to owner occupied condominium units will decrease the daily traffic that exists today. In addition, the underground parking will further reduce demand for on-street parking. By reducing the overburden and demand for on-street parking as well as a significant reduction in large vans and moving trucks, traffic safety will be significantly enhanced in the long term.

# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 10:** Provide adequate quantity of well landscaped off-street parking as part of all the new development or changes of use in existing structures.

**Compliance:** The development will provide two parking spaces per ownership unit within the building. In addition, several visitor and overnight spaces will be provided within the structure as well. The 3 proposed parking spaces in the front of the building will be adequately screened and landscaped to avoid any perceived visual impacts.

# Cherokee Triangle Neighborhood Plan

## Executive Land Use Goals

**Goal 11:** Improve alley conditions: preserve the remaining brick alleys, correct litter and trash problems, upgrade the appearance of garages and carriage houses.

**Compliance:** The existing alley is not brick. However, the applicant is willing to work with the Department of Public Works to restore the portion of the alley that adjoins this site to its original brick status. The condominium association will maintain the grounds and provide pride of ownership in its maintenance of the surrounding area and neighborhood appearance. The residential unit parking garage will be located within the building structure and not be visible from the street as recommend by Goal 11.

	<b>Total # Units</b>	<b># Units Available for Sale</b>	<b>Occupancy Rate</b>	<b>Listing Price(s)</b>	<b>Average Listing Price</b>
<b>1400 Willow</b>	116	2	98%	\$975,000; \$314,900	\$644,950
<b>Dartmouth</b>	20	1	95%	\$450,000	\$450,000
<b>Willow Terrac</b>	62	1	98%	\$137,500	\$137,500
<b>Commodore</b>	59	2	97%	\$249,500; \$159,900	\$204,700
<b>Total/Average</b>	257	6	98%	\$381,113	\$381,113



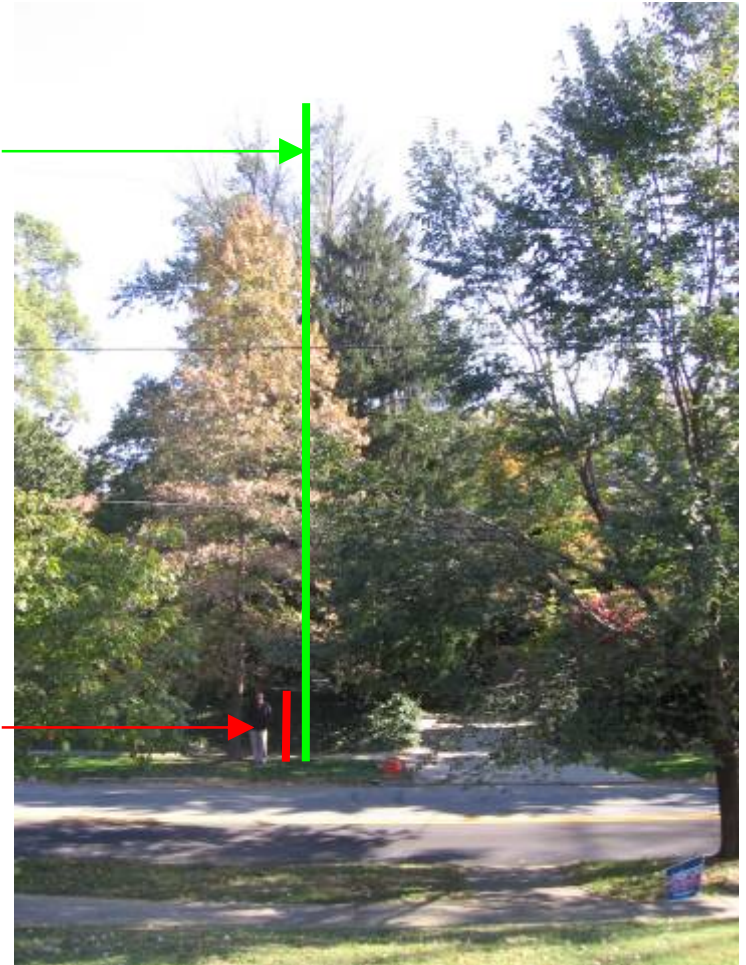
# Willow Grande – 1445 Willow Avenue Pool



Approximately 50'  
Tall Ex. Tree Mass

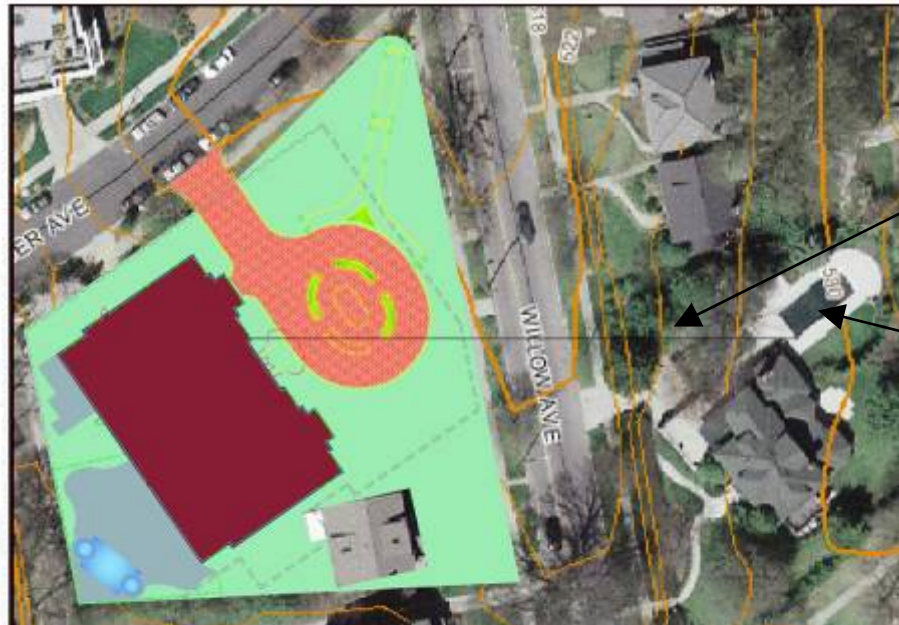


Pool Located Behind  
Tree Massing



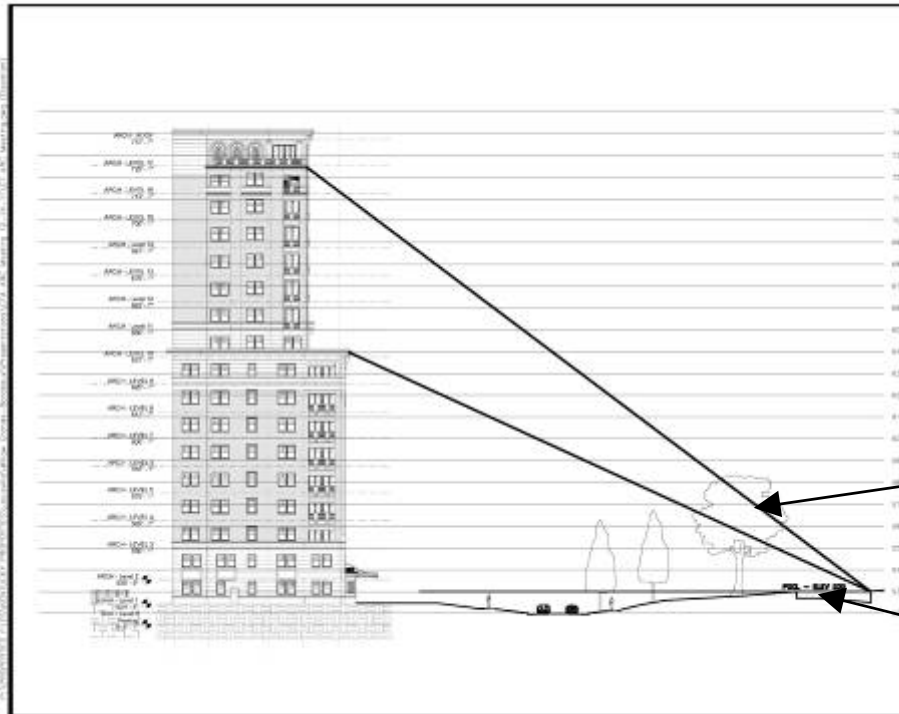
6' Tall Man

# Willow Grande – 1445 Willow Avenue Pool



Approximately 50'  
Tall Ex. Tree Mass

Pool



Approximately 50'  
Tall Ex. Tree Mass

Pool – Elevation 530

First Level Elevation 5241-5"

# 2063 Eastern Parkway



- Legend**
- County Boundary
  - County Boundary
  - Current Street Name
  - 2006 Jefferson County Photography

Plot Date: 10/14/2008 3:38 PM

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This map is not a legal document and should only be used for general reference and identification.

Photo from Sidewalk in front of 2063 Eastern Parkway looking towards St. James Church Steeple



Photo from alley behind 2063 Eastern Parkway looking towards St. James Church Steeple



