

DEMONSTRATION OF APPROPRIATENESS
R-7 Multi-Family District to R-8A Multi-Family District
1576 Cherokee Road
W. Earl Reed, III, Applicant

RECEIVED

OCT 16 2017

PLANNING &
DESIGN SERVICES

“CHEROKEE SPRINGS”

This Demonstration of Appropriateness (the “Demonstration”) provides justification for a proposed zone change from R-7 Multi-Family District to R-8A Multi-Family District on a 0.5-acre property having a street address of 1576 Cherokee Road in Louisville, Jefferson County, Kentucky to permit a 14-unit multi-family building to be known as “Cherokee Springs” (the “Proposal”). The 0.5-acre property is sometimes referred to herein as the “Property.”

The zone change applicant is W. Earl Reed, III, individual, referred to herein as the “Applicant.”

The Proposal conforms to KRS 100.213 because it is in agreement with the Cornerstone 2020 Comprehensive Plan, the adopted Comprehensive Plan effective for Louisville and Jefferson County, Kentucky, including conformance with the Vision and Neighborhood Goals and all applicable provisions of the Bonnycastle Neighborhood Plan.

The Proposal

The proposed building is to be situated on a 0.5-acre lot, somewhat larger than most lots fronting on Cherokee Road in Bonnycastle. The lot has virtually the same width as The Park Grande at 1604 Cherokee Road. The proposed building has been created in the traditional Beaux Arts style found in countless buildings in the Bonnycastle neighborhood, the Cherokee Triangle neighborhood, and throughout Louisville. [See the Joseph & Joseph renderings of the proposed building at **Tab 1.**] The most notable example of Beaux Arts architecture in the Bonnycastle neighborhood is The Commodore Condominiums (“The Commodore”) at 2140 Bonnycastle Avenue. The Commodore is listed on the National Register of Historic Places, The Commodore was designed by Joseph & Joseph, Architects, as is the proposed building.

The elevations of both the proposed building and The Commodore are divided in three parts: base, middle and top. The style exemplified by this standard composition is further detailed with entablature, balustrade, arched windows, symmetrical elevations, and distinctive entrances.¹

The predominant building façade height-to-width ratio throughout the Bonnycastle neighborhood is 1:1. This ratio allows the building height to increase due to the width increase. The proposed building design, having an approximate 1:1.2 height-to-width ratio, is very similar to proportions throughout the Bonnycastle neighborhood.

¹ See, Drexler, Arthur, ed., The Architecture of the Ecole Des Beaux-Arts, 1977.

Moreover, the photographs at **Tab 2** of this submission demonstrate that little of the site can be seen from around the neighborhood. The building will be concealed by other buildings and trees once one moves more than a couple of houses away.

The proposed building height and footprint are compared with several multi-family buildings in the vicinity, as shown below:

**Multi-family Building Heights and Footprints
in Bonnycastle and Cherokee Triangle**

	<u>Height</u>	<u>Footprint (Sq. Ft.)</u>
Cherokee Springs 1576 Cherokee Road	100'	7,600**
The Park Grande 1604 Cherokee Road	112'-4"	5,600**
The Commodore Condominiums 2140 Bonnycastle Avenue	124'	9,900
1400 Willow	214'-10"	37,000
Willow Grande 1418 Willow Avenue	213'-2"	5,250
The Dartmouth 1412 Willow Avenue	124'	7,100

[** including balconies]

The height comparison indicates that Cherokee Springs at 100 feet will be of substantially similar height to other larger multi-family buildings in Bonnycastle and Cherokee Triangle. The building "footprint" comparison indicates that the Cherokee Springs' footprint is within the general range of footprints for all other such buildings.

**THE PROPOSAL CONFORMS TO THE
BONNYCASTLE NEIGHBORHOOD PLAN.²**

² Comprehensive Plan Community Form Guideline 1, Policy A.2.e. states that plans and studies legislatively adopted subsequent to the adoption of Cornerstone 2020 are intended to take precedence over the more general guidelines of the Comprehensive Plan. The Cornerstone 2020 Comprehensive Plan was adopted by the Louisville Metro Planning Commission on October 21, 1999 and by the Louisville Metro Council on January 28, 2000. The Bonnycastle Neighborhood Plan was adopted by the Louisville Metro Council on February 27, 2003 in Ordinance 20, Series 2003. Consequently, the Bonnycastle Neighborhood Plan is part of the Comprehensive Plan and takes precedence over its "more general guidelines."

RECEIVED

OCT 16 2017

PLANNING &
DESIGN SERVICES

1031

The Vision for Bonnycastle [p. 1, 3.]³

The Vision for Bonnycastle states:

Bonnycastle is a diverse neighborhood. The diversity is exhibited in the types of property: commercial and residential, condo, rental; expense of housing; ages of buildings and people; types of terrain; both high and low densities; and levels of income. The Park [Cherokee] adds a special dimension to the neighborhood. Bonnycastle will remain a vital, safe, attractive, livable neighborhood that reflects its history, preserves its diversity and continues to assert its importance in the economic, civic and cultural life of the community.

The architecture, design and landscaping of Cherokee Springs all honor the characteristics of Bonnycastle's early history, and will preserve the condominium – rental balance of the neighborhood. Because of its location on the Cherokee Road Corridor, the 14-unit building, as depicted in **Tab 1**, will be a distinctive and appropriate addition to Bonnycastle's "one-of-a-kind asset." As a multi-family building it retains Bonnycastle's diversity. As a condominium building it introduces home ownership where rental units presently sit. Based upon expressions of interest to date, many or most of the Cherokee Springs units will be purchased by persons of retirement age (i.e., 65 years and older) thereby providing a housing opportunity for older Bonnycastle residents who wish to remain in the neighborhood.

Neighborhood Goals of the Bonnycastle Neighborhood Plan Applicable to this Zone Change Request [p. 1, 3]

- 1. Limit or severely restrict the conversion of single-family properties to multi-family use.** The Proposal does not convert a single-family structure to multi-family. The existing 1959 apartment building is multi-family and the proposed building is multi-family. The only change will be from four (4) *rental* units to fourteen (14) *condominium ownership* units.
- 2. Maintain the character of the residential and commercial aspects of the neighborhood as well as their balance and interdependence.** The proposed building will promote the character of Bonnycastle's early history by its classical Beaux-Arts style and extensive use of stone and brick. It will maintain the desired character of a multi-family building on Cherokee Road overlooking Cherokee Park. It will have no impact on the commercial aspects of the neighborhood.
- 4. Take advantage of the form district concepts in the comprehensive plan to adopt neighborhood zoning revisions that recognize and preserve the distinct characteristics of the diverse sub-neighborhoods in Bonnycastle.** Comprehensive Plan Community Form Guideline 1.B.2 states in relevant part:

³ Page references in this section are to page numbers in the Bonnycastle Neighborhood Plan.

RECEIVED

OCT 16 2017

PLANNING &
DESIGN SERVICES

17 ZONE 1031

Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (*if the building design is consistent with the predominant building design in those neighborhoods*), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. [Italics added.]

The existing 1959 4-plex apartment building. The existing 4-plex apartment building, constructed in 1959, has no outstanding architectural features and no distinctive characteristics. Its plain brick façade is not in keeping with the level of architectural detail throughout the neighborhood. The design does not respect the historic neighborhood's architecture of creating a base, middle and top. Detailing should be more of a 1:1 height-to-width ratio. The existing structure on a site this wide is not in keeping with the proportions of the neighboring buildings and its design is not consistent with the predominant building design in the neighborhood. Simply put, the current structure does not represent a building design desirable in the Bonnycastle neighborhood.

Moreover, the Applicant proposes, at his own expense, to improve the entire alley from Bonnycastle Avenue to Alta Avenue.

Consequently, Policy 1.B.2 allows this building to be replaced with a building having a design more faithful to the predominant Beaux Arts style for larger scale buildings in Bonnycastle.

5. **Maintain public safety (actual and perceived).** It is anticipated that the Proposal will be approved by the Louisville Department of Public Works. Such approval, if granted, will indicate that the roadway network, both on-site and off-site, will provide safe and efficient access to, from and through the site for motorists, bicyclists and pedestrians.
6. **Ensure streets and thoroughfares reinforce cohesiveness, while facilitating movement of pedestrians and vehicles and providing adequate on-street parking.** The Proposal will reinforce cohesiveness in the vicinity and will facilitate the movement of pedestrians and vehicles because no vehicular access to the site is proposed from its Cherokee Road frontage. Site access will be made easy because of the alley improvements referred to in Item No. 7 below.

On-street parking. Parking is permitted on Cherokee Road in front of the site. However, resident or guest parking for Cherokee Springs is unlikely to occur on Cherokee Road because the Proposal provides off-street parking at the ratio of 2.5 parking spaces per unit as recommended by the Bonnycastle Neighborhood Plan, p. 8.⁴

⁴ The minimum parking requirement in the prevailing Traditional Neighborhood Form District is 1.5 vehicles per dwelling unit. Louisville Land Development Code Table 9.1.2A ("Minimum and Maximum Motor Vehicle Parking Based on Use").

RECEIVED
OCT 18 2017
PLANNING &
DESIGN SERVICES

Bicycle storage. A bicycle storage room will be located within the building to ensure that residents have easy internal access to bicycles. A bike rack will be installed in the rear yard.

Front Sidewalk. A sidewalk is proposed to extend from the front entrance of the building to Cherokee Road. A sidewalk running the length of the property along Cherokee Road has not been proposed because there are no sidewalks to connect with on either side of the Property.

7. **Preserve and expand alleys and sidewalks.** The alley, having 15-feet of pavement width, provides vehicular access to the site via connection to Bonnycastle Avenue (approximately 185 feet from the surface parking entrance to Bonnycastle Avenue and approximately 145 feet from the garage entrance to Bonnycastle Avenue) and Alta Avenue (approximately 240 feet from the surface parking entrance to Alta Avenue and approximately 210 feet from the garage driveway to Alta Avenue). The 15-foot alley width conforms to Land Development Code Table 6.2.2, which requires alleys in the Traditional Neighborhood Form District to have 15 feet of pavement. The 20-foot alley right-of-way is consistent with the right-of-way width of the entire length of the alley. At his own expense, the Applicant proposes to improve and pave the entire alley, running from Bonnycastle Avenue to Alta Avenue. The alley, which is currently in significant need of repair, will provide access to the site.

Moreover, a sidewalk is proposed to extend from the front entrance of the building to Cherokee Road. Consequently, the Proposal will both preserve and expand the alley system and sidewalks in Bonnycastle.

A sidewalk in the right-of-way running parallel to Cherokee Road has not been proposed. A sidewalk in this area would necessitate the removal of three (3) substantial trees that lie in the right-of-way unless the sidewalk were to be located about 12 + feet from the road. Trees along Cherokee Road are generally located about 6 feet from the road.

The sidewalk in the front yard of 1578 Cherokee Road (at the corner of Cherokee Road and Bonnycastle Avenue) was intended to wrap around the building to enable people to walk from the parking garage on the Bonnycastle side of the building to the front door of the building. The partial sidewalk on that property parallel with Cherokee Road is approximately 15 feet from the road. If that sidewalk were continued onto the Cherokee Springs property, the sidewalk would be located much closer to the building than where one would usually expect a sidewalk to be located. If the sidewalk were continued beyond Cherokee Springs onto 1572 Cherokee Road the sidewalk would be located up a rise on that property's front yard.

8. **Enhance the urban forest while minimizing utility impact.** Existing trees will be saved wherever possible. The three (3) trees in the Cherokee Road right-of-way will remain. Additional trees and landscaping will be provided as required by Chapter 10 of the Land Development Code and in the proposed Front Courtyard Area establish a

RECEIVED

OCT 18 2017

PLANNING &
DESIGN SERVICES

visual connection to Cherokee Park and to protect adjacent properties. Tree planting areas will not impact utility locations.

- 9. Work with the Olmsted Conservancy, Parks Department, and other interested parties to ensure that development of Cherokee Park continues and that it remain open, clean and safe.** The project developers (who will live in the building) are longtime Bonnycastle residents and are keenly interested in the development of Cherokee Park. They have been members of, and contributors to, the Olmsted Conservancy for decades, and are amenable to any suggestions to enhance the quality of the Cherokee Park experience.

RECEIVED
OCT 16 2017
PLANNING &
DESIGN SERVICES

**THE PROPOSAL CONFORMS TO ALL APPLICABLE GOALS, OBJECTIVES,
GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE
PLAN**

The Proposal conforms to all applicable Goals, Objectives, Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan (“Comprehensive Plan”), as is demonstrated hereinbelow.

Traditional Neighborhood, Neighborhood and Village Form District Goal C1.

The Proposal conforms to Traditional Neighborhood, Neighborhood and Village Form District Goal C1 and all applicable Objectives adopted thereunder, including Objective C1.1 and C1.2, Community Design Goal C2, C2.1, C2.3, C2.4, C2.5, C2.6, and C2.7. Because of its design characteristics, the development will share the “sense of place”⁵ that exhibited in the Bonnycastle neighborhood, and will do so in a far more dynamic fashion than does the existing 1959-era 4-plex presently on the Property. Moreover, the Proposal conforms to the Bonnycastle Neighborhood Plan, its Vision and Neighborhood Goals. The development will promote the health, vibrancy and livability of the Bonnycastle neighborhood by its ease of access to Cherokee Park and Bardstown Road. The Bonnycastle Neighborhood Plan has established Cherokee Road as the boundary of the neighborhood, and this larger scale multi-family development is appropriately located on the neighborhood “edge,” adjacent to Cherokee Park. Trees and landscaping, typical of the Bonnycastle neighborhood and Cherokee Park, will be located on-site. Open space is plentiful in Cherokee Park, immediately opposite the site across Cherokee Road. Because the proposed building will have only 10 more units than the existing 4-plex, the Bonnycastle neighborhood will remain an inclusive neighborhood. The development of Cherokee Springs will not cause the Traditional Neighborhood Form District, the Bonnycastle neighborhood or the Highlands, generally, to exclude numerous appropriate housing opportunities.

Land Use Goal C3. The Proposal conforms to Land Use Goal C3 and all applicable Objectives adopted thereunder, including Objective C3.2 (“Traditional Neighborhood Districts”). The development will continue the utilization of Bonnycastle’s existing street and alley patterns. As recommended by the Bonnycastle Neighborhood Plan, off-street parking will be provided at a ratio of 2.5 parking spaces per unit to accommodate residents and visitors.

⁵ “Sense of place” is defined as the sense of identification, familiarity and appreciation people derive from a neighborhood and structures within the neighborhood.

Traditional Neighborhood Districts Objective C.3.2.b. states that “[a]ppropriate locations for larger scale multi-family developments include land adjacent to parks....” [Comprehensive Plan, p. 19]. The 1576 Cherokee Road site lies immediately opposite Cherokee Park. This location is indeed appropriate for a “larger scale” multi-family development.

Site Design Goal C4. The Proposal conforms to Site Design Goal C4 and all applicable Objectives adopted thereunder, including Objectives C4.2 (“Intensity”), C4.3 (“Building Height”), C4.4 (“Setbacks and Lot Dimensions”), C4.5 (“Building Design”), C4.6 (“Buffers and Compatibility”) and C4.7 (“Parking and Transit Access”). The development will be compatible with the pattern of the neighborhood, including observing a similar scale and height to other taller multi-family residential buildings in Bonnycastle. The development plan will observe traditional neighborhood form district setbacks⁶ and orientations. The proposed building height will be less than the existing building heights of other larger scale multi-family developments in Bonnycastle. The building design, which will employ traditional features of The Commodore, for example, will be compatible with the streetscape and character of the neighborhood. Landscape buffers will be utilized on-site even though the proposed building will be a similar building type (i.e., a multi-family building) as the existing building, and will be of high quality design. Screening and other techniques will be employed, as necessary to protect adjacent single-family residences.

Community Form Guideline 1. The Proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policies A.2.e., discussed above, and Policy B.2. The Property is located within the Traditional Neighborhood Form District. The Comprehensive Plan describes the “Traditional Neighborhood Form District” as follows:

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

⁶ A building height variance is requested to allow the building to exceed the 45-foot maximum height by 55 feet, which would make the building similar in height to the multi-family building at 1604 Cherokee Road, which is approximately 300 feet distant from the Property.

RECEIVED
OCT 16 2017
PLANNING &
DESIGN SERVICES

The Proposal conforms with every requirement of this description, as documented below:

- ✓ The Proposal, with 14 dwelling units [28 dwelling units/acre], is in the high density category and is proposed to be situated adjacent to Cherokee Park. The Proposal will be located on a lot that is twice as wide as the typical Bonnycastle lot. The Applicant, at his own expense, will reconstruct the full length of the 15-foot wide alley from Bonnycastle Avenue to Alta Avenue.
- ✓ The Proposal provides more ownership housing opportunities in a condominium (multi-family) building, typical in the Traditional Neighborhood Form.
- ✓ The Proposal will promote Bonnycastle's connection to Cherokee Park because the side yard setbacks for the existing 1959 apartment building will be preserved with the proposed building. This will maintain the existing visual connection between Bonnycastle and Cherokee Park. The Proposal, obviously, will have no adverse impact on the commercial sections of Bonnycastle, which are located primarily on Bardstown Road.
- ✓ As stated on p. 3 of this Demonstration of Appropriateness, the existing 1959 building is devoid of a meaningful architectural style. It is inconsistent with the Beaux Arts multi-family building design predominant in Bonnycastle. Because of this fact, the Proposal contemplates a new building faithful to an historic Bonnycastle design with street access that preserves and enhances the existing pattern of streets and alleys. No public open spaces are impacted. Neither Policy 1.B.2 nor any other provision of the Comprehensive Plan or Bonnycastle Neighborhood Plan require the preservation of the existing building.
- ✓ The proposed building preserves the present side yard building setback, thereby preserving the existing visual access to Cherokee Park for homes situated "behind" the proposed building. Moreover, homes "behind" the Proposal are not taller than the existing 1959 apartment building. Hence, these homes do not presently have visual access to the park "over" the building. These homes will not become less connected to the park due to the proposed building.
- ✓ The proposed building will not prevent the ordinary trespass of sun and light for adjacent buildings because, the way the building is situated, shadows from the building fall primarily in front of the building onto Cherokee Road.

Both Comprehensive Plan provisions and the Bonnycastle Neighborhood Plan demonstrate that the scale and design of the Proposal are compatible with the neighborhood. Indeed, the "Vision for Bonnycastle" states:

Bonnycastle is a diverse neighborhood. The diversity is exhibited in the types of property; commercial and residential, condo, rental; expense of housing; ages of

RECEIVED

OCT 16 2017

PLANNING &
DESIGN SERVICES

177 ZONE 1031

RECEIVED

OCT 16 2017

PLANNING &
DESIGN SERVICES

buildings and people; types of terrain; both high and low densities; and levels of income. [Bonnycastle Neighborhood Plan, p. 3.]

As stated in Footnote 3 of the Pre-Application Staff Report, the Proposal “would not be disruptive to the balance of rental vs. owned units” in the neighborhood.

Neither the Comprehensive Plan nor the Bonnycastle Neighborhood Plan advocates taller structures *only when* a “much greater density” is provided. The condominium units envisioned by the Proposal will not create or constitute “exclusive housing” because, as noted by the Pre-application Staff Report [p, 4 of 14] “[t]he neighborhood as a whole would remain relatively inclusive.”

Traditional Neighborhood Policy B.2. encourages higher density uses to be located “near parks” such as Cherokee Park, where the Proposal is located. Cherokee Road has sufficient carrying capacity for vehicular traffic to and from Cherokee Springs. The Proposal will not impact the existing grid pattern of streets, and will utilize the alley for vehicular access. Moreover, the Proposal observes applicable Traditional Neighborhood Form District setbacks, although a height variance will be required. The height variance is justified due to the proximity of the building to Cherokee Park. The building will not adversely impact viewsheds to the park from nearby residences and will not adversely impact the ordinary trespass of sun and light. The Proposal respects the Cherokee Road Corridor by observing the front setback. It activates the public realm between the building and Cherokee Road by providing for a Courtyard and appropriate landscaping in the front yard, and a sidewalk extending from the front building entrance to Cherokee Road.

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

Compatibility Guideline 3. The Proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 21, 22, 23, 24, 25 and 28. As is shown on the Joseph & Joseph Architects’ renderings of the proposed building, the building design will be consistent with the Beaux-Arts design of the most highly prized multi-family residential buildings in the Bonnycastle neighborhood. The design is consistent with the Traditional Neighborhood Form District and will share design similarities with The Commodore at 2140 Bonnycastle Avenue and 1589 Parsons Place, as well as other multi-family buildings, such as 2000 Lauderdale Rd, 1601 Spring Drive and 2001 Spring Drive. The building will be compatible with the scale and site design of nearby existing development and with the pattern of the form district because the proposed building will be no wider than the existing 1959 4-plex, and observes Traditional Neighborhood setbacks. The building has been designed to blend seamlessly into the neighborhood; it is not intended to be a modern architectural statement. The requested height variance will not block views of Cherokee Park from residences located “behind” Cherokee Road. Landscaping and a sidewalk leading from the front entrance in the front of the building will serve to connect the site to Cherokee Park. Landscaping will be provided to

buffer the single-family house at 1572 Cherokee Road and the multi-family building at 1578 Cherokee Road. Moreover, the building will not diminish the ordinary trespass of sunlight to adjacent structures. Numerous properties in the Bonnycastle neighborhood have scales greater than nearby properties, the foremost example being The Commodore. The brick and stone building materials will also be consistent with prevailing historical residential structures in Bonnycastle. Residential units will be designed to conform with all federal, state and local requirements to accommodate persons with disabilities. The size of the units within the proposed building will have a mixture of unit sizes, varying from 1800 square feet to 3000 square feet. The development plan demonstrates an appropriate transition of land uses through landscaping, compatible building design, materials and setbacks. The proposed building height of 100 feet, which requires a variance, is appropriate because (1) it will have no adverse impact to homes or properties in the vicinity [it will not block the viewshed of Cherokee Park from any vantage point more than does the existing building]; (2) the predominate building elevation proportion is a 1:1 height-to-width ratio in the Bonnycastle neighborhood, and the proposed building will be quite similar to this proportion at 1:1.2; and (3) none of the existing assets highlighted in the Bonnycastle Neighborhood Plan are impacted by the size, height, mass and scale of the proposed building. Moreover, other multi-story buildings are located compatibly throughout the Bonnycastle neighborhood. The parking garage, accessed via rear entry, exhibits an inviting street-level appearance from the alley.

As stated above, the Proposal is indeed compatible with the scale and site design recommended by the Bonnycastle Neighborhood Plan the Traditional Neighborhood Form District as is indicated by existing tall multi-family structures in this neighborhood sub-area along Cherokee Road and elsewhere in Bonnycastle.

The proposed building will be constructed in accordance with all federal, state and local requirements for housing for older persons and persons with disabilities; hence, the units will be specifically designed to accommodate persons with disabilities and the elderly.

The on-site rear parking area will be lit pursuant to the requirements and limitations of Land Development Code Chapter 4.

Open Space Guideline 4. The Proposal conforms to Open Space Guideline 4 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 5, 6, 7 and 8. Seating areas are provided both in the front yard and rear yard to serve the function of the Private Yard Area. A 1,415 square foot Private Yard Area is provided between the rear of the building and the rear property line. This area is the cohesive area on the north side of the drive lane going into the underground garage. Its width and length is sufficient to provide a lawn area for a seating area or a dog walking area. It may be a paved area with a grill and it is large enough to be a functional outdoor space. Moreover, 50% of the roof [3,700 sq. ft.] will be a roof garden. If a resident so chooses, the roof garden would provide a sitting area more private than the Private Yard Area adjacent to the alley. In addition, balconies will provide opportunities to enjoy views of Cherokee Park. The Private Yard Area at the rear of the building will not provide this advantage. The development is located immediately adjacent to Cherokee Park, an Olmsted-designed park, where an abundance of open space is available for leisure and recreation. The extensive new landscaping,

RECEIVED

OCT 16 2017

10

PLANNING &
DESIGN SERVICES

17 ZONE 1031

seating areas and brick and stonework to be placed in the proposed Courtyard in the front yard will serve to “connect” the Property to the Cherokee Park Corridor and Cherokee Park.

Natural Areas and Scenic and Historic Resources Guideline 5. The Proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4 and 6. The development of the Property will avoid substantial changes to site topography and degradation of natural systems (such as the flow of surface water). There are no known historic resources or distinctive cultural features on-site. The site has no wet soils, highly permeable soils or severe, steep or unstable slopes with erosion potential.

Moving People and Goods Goals A2, A3 and A4. The Proposal conforms to Moving People and Goods Goals A2, A3 and A4 because the Cherokee Springs development will serve to allow Cherokee Road to continue to provide its highest appropriate level of transportation service.

Land Use and Transportation Connection Pattern of Development Goals E1, E2 and E3. The Proposal conforms to Pattern of Development Goals E1, E2 and E3 and all applicable Objectives adopted thereunder, including Objectives E1.1, E1.2, and E1.3. Persons residing at Cherokee Springs will utilize Cherokee Road for access to many parts of the city and region. Development access supports the existing street and alley network of Bonnycastle. Following development, residents of the development and others living in the vicinity may continue to safely utilize Cherokee Park, Cherokee Road, Bonnycastle Avenue and the alley running between Bonnycastle Avenue and Alta Avenue, whether as pedestrians, bicyclists or in motor vehicles. Safe access will be demonstrated by the anticipated approval by the Louisville Department of Public Works.

Circulation Guideline 7. The Proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 6, 8, 9, 10, 12 and 15. Although the Louisville Department of Public Works has not so requested, the Applicant will repair and restore the entire alley from Bonnycastle Avenue to Alta Avenue. Rights-of-way will be dedicated pursuant to request of the Louisville Department of Public Works. The proposal is appropriately located within an area with accessible transportation facilities, including a sidewalk shown on the development plan, nearby bus stops and major roadways. It is anticipated that the Proposal will be approved by the Department of Public Works. This approval will indicate that the roadway network on and near the site will be safe and efficient for all forms of transportation: motor vehicles, bicycles and pedestrians on foot.

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

RECEIVED

OCT 16 2017

PLANNING &
DESIGN SERVICES

OCT 16 2017

DESIGN SERVICES

Bicycle and Pedestrian Circulation Plan Safety Goal H3 and Promotion Goal H4.

The Proposal conforms to Safety Goal H3 and Objective H3.1, and Promotion Goal H4. To encourage the use of bicycles, a bicycle storage room will be located in the building and a bike rack will be located in the rear yard area.

Bicycle, Pedestrian and Transit Guideline 9. The Proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 1, 2, 3 and 4. Bicycle storage facilities will be located on-site as explained above. A sidewalk waiver has been requested not to provide a sidewalk in the Cherokee Road right-of-way for the reasons expressed in the Bonnycastle Neighborhood Plan, although a sidewalk will extend from the front entrance of Cherokee Springs to Cherokee Road. Transit facilities provided by the Transit Authority of River City (“TARC”) are provided along Cherokee Road [i.e., TARC Route No. 29 – Eastern Parkway]. A transit stop is located on the south side of Cherokee Road at Bonnycastle Avenue, within easy access of 1576 Cherokee Road.

Quality of Life Goal D2. The Proposal conforms to Quality of Life Goal D2 because the quality of Cherokee Springs will affirm, promote and protect the economic value of the Bonnycastle neighborhood.

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

Flooding and Stormwater Guideline 10. The Proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 7, 10 and 11. The design of the development minimizes the potential for flooding by viewing the watershed as a whole, and efficiently accommodates stormwater runoff waters by providing a storm water management system as directed by MSD. At time of filing this Application the Applicant is actively working with MSD on stormwater management. MSD must be satisfied with the proposed system before the application can progress to the Land Development and Transportation Committee meeting. The development will accommodate “through” drainage systems. Peak stormwater runoff rates after development will be consistent with regional and watershed plans and are acceptable to MSD. Impervious surfaces on-site have been minimized.

Social and Cultural Resources Goal D1. The Proposal conforms to Social and Cultural Resources Goal D1 and Objectives D1.1, D1.2 and D1.3. The development and the utilization of Cherokee Road by residents and guests will not overtax the use of the roadway and will allow for the continued use of Cherokee Park as a community asset.

Transportation and the Environment Goal C1, Air Goal C1 and Air Quality Guideline 12. The Proposal conforms to Transportation and the Environment Goal C1 and Objectives C1.1 and C1.2, Air Goal C1 and Objectives C1.2 and C1.3, and Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 8 and 9. Air quality considerations have been evaluated comprehensively by APCD in this zone change request. The

Louisville Air Pollution Control District (“APCD”) approved the development on July 5, 2017. This approval indicates, among other things, that the Proposal will not cause ambient air quality to be degraded. Moreover, the development will cause no noise-related impact to nearby residences.

Archaeological and Agricultural Resources and Environmental Review Process

Goal G4. The Proposal conforms to Archaeological and Agricultural Resources and Environmental Review Process Goal G4 and all applicable Objectives adopted thereunder. All appropriate environmental and quality of life impacts have been evaluated and are being satisfactorily addressed. Drainage measures are anticipated to be approved by the Metropolitan Sewer District (“MSD”) prior to public hearing.

Landscape Character Guideline 13. The Proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 3 4 and 5. All landscaping will be designed and implemented utilizing native plant communities as specified in the Land Development Code. The development will observe required tree canopy requirements. A natural corridor providing animal habitat areas and allowing for migration is located across Cherokee Road in Cherokee Park.

Infrastructure Guideline 14. The Proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7. The site is served by existing utility services for all necessary utilities. Sewer service will be provided by the Metropolitan Sewer District (“MSD”). A “downstream facilities capacity” will provide a definitive determination of sewer service capacity for the Proposal. Potable water and water for fire-fighting purposes will be provided by the Louisville Water Company. Utilities will be located within easements and will be provided as required by each utility.

Community Facilities Guideline 15. The Proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 9. The Property will be adequately served by the fire-fighting services of Louisville Fire Protection District No. 4 located at 1735 Bardstown Road.

The Proposal conforms to these and all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan and all applicable provisions of the Bonnycastle Neighborhood Plan.

PROVISION OF UTILITIES AND ESSENTIAL PUBLIC SERVICES

Utilities and essential public services benefiting the site are presently in place.

IMPLEMENTATION

It is anticipated that the development plan will be implemented upon final approval.

0115126.0595068 4817-3823-5729v2

RECEIVED

OCT 16 2017

PLANNING &
DESIGN SERVICES