

## Williams, Julia

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**From:** Debra Harlan <debraandted@gmail.com>  
**Sent:** Tuesday, March 15, 2016 5:04 PM  
**To:** Williams, Julia  
**Subject:** Re: Baxter and Broadway

They need to create a defined enhanced and creative transit shelter/stop as part of the site development . A pole in concrete is not sufficient. And I said that at Overlay as well.

Sent from my iPhone

On Mar 15, 2016, at 3:47 PM, "Williams, Julia" <[Julia.Williams@louisvilleky.gov](mailto:Julia.Williams@louisvilleky.gov)> wrote:

> Thank you for letting me know your concerns regarding the change in zoning. Your letter will be made part of the record for the case.

> Please let me know if you have any further concerns or questions regarding this case.

> Thanks

> Julia

>

> -----Original Message-----

> From: Debra Harlan [<mailto:debraandted@gmail.com>]

> Sent: Tuesday, March 15, 2016 1:42 PM

> To: Williams, Julia

> Subject: Baxter and Broadway

>

> I remain opposed to the height waiver/variance without mitigation or setback of the upper stories for the project as it relates to the salient guidelines of the Bardstown Road Overlay District and those portions of the project which fall within those boundaries. Superior design can deal with this requirement and should , as adverse precedent will be set as it relates to that major guideline.

>

> An appropriate consideration for the landscape waiver should be retention and appropriate reuse of the historic stone wall that runs along East Broadway. This was discussed in the overlay meeting.

>

> Architecture and urban design are an element of zoning consideration.

>

> Debra Richards Harlan

> 1734 Chichester Ave

> 40205

>

> Sent from my iPhone

62 70  
57

Overcast Feels Like 62°



StormView HD



# Ohio developer seeks \$11.3 million in tax breaks for Highlands apartment projects

Posted: Mar 21, 2016 4:42 PM EDT  
Updated: Mar 21, 2016 5:12 PM EDT

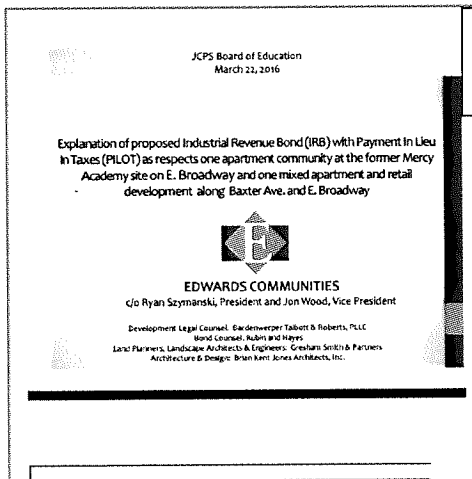
By Chris Ottis **CONNECT**

LOUISVILLE, Ky. (WDRB) -- Ohio developer Edwards Cos. is asking Louisville Metro government and Jefferson County Public Schools for property tax breaks worth \$11.3 million over the next two decades.

The breaks would serve as incentives for Edwards to move forward with two large apartment projects near the intersection of Baxter Avenue and Broadway.

Edwards has previously announced plans to develop 4-story apartment buildings at the old Mercy Academy site, 1172 E. Broadway, and at the former Phoenix Hill Tavern at 644 Baxter Avenue. The sites are two-tenths of mile apart.

Details of the proposed property tax breaks were included in the meeting materials of the Jefferson County school board, which will be briefed on the proposal at its work session on Tuesday.



The documents show that Mayor Greg Fischer's economic development department has agreed to tax breaks worth up to \$7.5 million for Edwards over 20 years, subject to the approval of the Metro Council.

Meanwhile, Edwards will ask the Jefferson County school system to give up \$3.8 million in tax revenue over 10 years, according to the documents.

Jon Wood, an official with Columbus, Ohio-based Edwards, said in an email Monday that the projects would not be "economically feasible" without the tax breaks.

Bill Bardenwerper, a Louisville attorney representing the company, said the subsidies are "critical for Edwards to afford the excess" costs of building in Louisville's urban core -- mainly, the parking garages required to serve both apartment buildings.

Though Edwards spent \$1.4 million last month to buy the Mercy site, Bardenwerper said it's not too late for the company to abandon either project if the tax breaks are not approved.

Edwards is in line to receive roughly the same level of public subsidy from Metro taxpayers as three other recent urban apartment projects, according to Jeff Mosley, deputy chief of Louisville Forward, Fischer's economic development department.

Those projects are the remodeling of the aging 800 Building at 800 S. Fourth Street; the proposed Main & Clay development downtown; and the Axis at Lexington complex at Lexington Road and Payne Street.

In each case, Metro government set up a tax-increment financing district that allows the developers to receive 80 percent of the new tax revenue generated their projects, up to a pre-determined cap, over 20 years.

Mosley said city officials "feel strongly" that the subsidies were "critical in making those projects work -- or they would not have gone forward."

"They are all good projects that will lead to benefits to the city in the long run," he said.

Within the same parameters, Louisville Metro has agreed to "abate" up to \$4.9 million in taxes for the Phoenix Hill project and up to \$2.6 million for the Mercy Academy project, according to a Feb. 19 letter from Mosley to Edwards Cos., which was included in the JCPS meeting materials.

But the type of deal Edwards Cos. is seeking -- called an Industrial Revenue Bond -- would allow the company to get an additional incentive from JCPS.

The deal calls for Louisville Metro to own the real estate on which the two apartment projects are built, a move that would exempt the sites from property taxes.

Then, Edwards would make up for some of the tax revenue the city and school district would have received by making annual "payment(s) in lieu of taxes" to Louisville Metro and to JCPS.

For JCPS, the deals would mean accepting only a fraction of the property taxes the district would otherwise have gotten for ten years.

For example, during the first five years of the agreement, JCPS would be owed about \$450,000 to \$500,000 annually, but Edwards would have to pay only \$80,230, according to the documents.

Edwards plans to sell the school board on the plan by emphasizing how much more tax revenue apartment projects will generate over the long term -- as opposed to leaving the sites in their current state.

Even with the tax breaks, the apartment projects would deliver \$6.8 million more to JCPS over 20 years than the district would receive if the sites were not developed, according to the documents.

Bardenwerper noted that the Mercy Academy site, a former school, had generated nothing for the city and school coffers for decades, as it was exempt from taxes.

While the proposal would require approval by the school board, the board will not vote on it on Tuesday, JCPS spokeswoman Allison Martin said. [WDRB EDUCATION REPORTER TONI KONZ PREVIOUS THE MEETING.](#)

She said it would be "inappropriate" to comment on the deal before it is presented to the board.

Under the proposed Industrial Revenue Bond, Louisville Metro would issue up to \$60 million in bonds to finance the Phoenix Hill project and up to \$30 million for the Mercy Academy project, according to the documents.

Edwards -- not the Metro government -- would be on the hook to repay that debt, Mosley said.

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From the Louisville Business First:

[http://www.bizjournals.com/louisville/blog/morning\\_call/2016/03/developer-seeks-tax-breaks-worth-11-3-million-for.html](http://www.bizjournals.com/louisville/blog/morning_call/2016/03/developer-seeks-tax-breaks-worth-11-3-million-for.html)

## Developer seeks tax breaks worth \$11.3 million for Highlands apartment projects

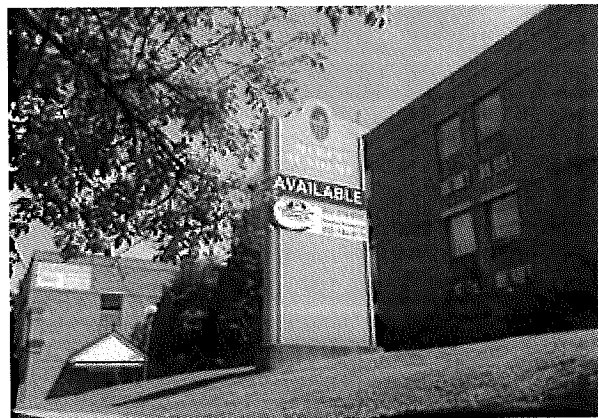
Mar 22, 2016, 7:22am EDT

A developer is asking Louisville Metro government and Jefferson County Public Schools for property tax breaks worth \$11.3 million over the next 20 years so it can move forward with two apartment projects planned near the intersection of Baxter Avenue and Broadway.

Ohio-based Edwards Cos. previously announced plans to build four-story apartment buildings at the former Mercy Academy site at 172 E. Broadway and the former Phoenix Hill Tavern site at 644 Baxter Ave., WDRB-TV reports.

The Jefferson County school board will hear details about the proposed tax breaks at a work session scheduled for Tuesday, the story said.

Documents show that Mayor Greg Fischer's economic development department has agreed to tax breaks worth up to \$7.5 million for the developer over two decades, as long as Metro Council approves them, and Edwards will be asking JCPS to give up \$3.8 million in tax revenue over 10 years.



CAROLYN GREER

Ohio-based Edwards Cos. is planning to develop apartments at the former Mercy Academy site, along with the former Phoenix Hill Tavern site that's two-tenths of a mile away.

Edwards official Jon Wood said the project won't be feasible economically without the tax breaks, and Louisville attorney Bill Bardenwerper, who's representing Edwards, said it's not too late for the company to abandon the projects if the tax breaks aren't approved.



## School board chair: Developer's request for \$3.8 million in tax breaks will undergo scrutiny

By **CAITLIN BOWLING** | March 23, 2016 12:56 pm



A view of the proposed development looking down Broadway | Courtesy of Bill Bardenwerper

If the Jefferson County Board of Education is going to even consider the prospect of giving an out-of-state company a \$3.8 million tax break, everything must be “in the light,” said board chairman David Jones Jr.

Columbus-based developer Edward Cos., or rather its subsidiary Edwards Communities Development Co., plans to construct two apartment complexes in Louisville, representing a total investment of about \$70 million. One is **a four-story, 195-unit building** at the former Mercy Academy site, and the other is **a four-story, 260-unit apartment complex** with first-floor retail space at the corner of

Baxter Avenue and Broadway.

Representatives of the company went before the Board of Education during a work session Tuesday night to propose an agreement that would give Edward Cos. a \$3.8 million break on the amount of taxes the properties pay to Jefferson County Public Schools. The tax break would be over a 10-year period and apply to both projects.

Louisville Forward, the city's economic development arm, already has offered to give Edward Cos. a \$2.6 million tax break for the Mercy project and a \$4.9 million tax break for the Phoenix Hill development, according to documents in the company's presentation. Both would be over a period of 20 years.

In total, the company is seeking \$11.3 million in tax breaks from the city and school system.

"Metro Government has shown a lot of interest in working with developers to try to bring housing back to the urban areas," said attorney Bill Bardenwerper, who is representing Edwards Cos. The in-fill developments proposed by Edwards Cos. enliven an area "that has seen better days."

Under the agreement, which Louisville Metro Council must approve, the city would acquire a bond of no more than \$60 million on behalf of Edwards Cos. to fund the Phoenix Hill project and another bond of no more than \$30 million to finance the Mercy development. The city would then own both properties and lease them back to Edwards Cos.

Edwards Cos. would be responsible for repaying the bonds, starting in 2017, and when the bond matured sometime in 2042, Edwards Cos. would pay off the balance and take ownership of the properties.

The benefit for Edwards Cos. is that bonds acquired by a government entity have lower interest rates, and if the city owns the properties, said properties are tax-exempt. Under the current draft of the agreement, the company would still pay some taxes to the city and



school board but would receive the previously mentioned tax breaks.

The benefit for the city and its residents, Bardenwerper noted, is new tax revenue.

The Mercy property does not generate taxes for the city or the school system, he said. If the two developments don't get built, the properties they encompass will only generate an estimated \$744,990 in tax revenue for JCPS during the next 20 years, whereas the school system will receive an estimated \$7.6 million in tax revenue during that same 20 years if the developments are built and awarded the tax break.

The developments also are expected to generate new development by other entities looking to cash in on the influx of new residents in the two apartment buildings, representatives for the company said.

"We are not going to do a project without (some form of tax incentive)," Bardenwerper said, adding that it would not be feasible and the people financially backing Edwards Cos. would not support the investment.

Tom Hudson, chief business officer for JCPS, voiced his support for the financing agreement.

"We are not asking for a vote, but I think it makes a lot of sense," he said.

However, chairman David Jones Jr. quickly made it clear that there will be hoops and plenty of inquiry before the school board makes a final decision.

"When a nonprofit board gets in the business of handing out tax credits, a whole lot of issues arise," he said, adding that board members need to educate themselves.

Jones also indicated the board will need to know about the financiers backing the two projects.

*Disclosure: David Jones Jr. is an investor in Insider Louisville.*

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# Project at Phoenix Hill Tavern site backed



Sheldon S. Shafer, @sheldonshafer 10:30 a.m. EDT March 18, 2016



(Photo: Provided by Edwards Communities)

A rezoning request that calls for razing the Phoenix Hill Tavern and developing a \$52 million, 281-apartment project on the site just northwest of Baxter Avenue and East Broadway ([/story/news/local/communities/2015/12/03/phoenix-hill-apartments-draw-mixed-reaction/76716950/](http://story/news/local/communities/2015/12/03/phoenix-hill-apartments-draw-mixed-reaction/76716950/)) has cleared the Metro Planning Commission.

At a meeting Thursday at the Old Jail Building, the panel that reviews zoning applications recommended without dissent that the Louisville Metro Council give the final okay to needed rezoning for the venture proposed by Edwards Communities of Columbus, Ohio.

Metro planning spokesman Will Ford said the zoning request was approved by the commission unanimously, along with some variances and waivers -- needed concessions under the local development code.

The long-standing Phoenix Hill Tavern would be torn down to make way for the housing, a parking garage and about 30,000 square feet of retail space proposed by Edwards Communities.

A handful of houses will be torn down along with the tavern, but a half-dozen residences would be saved. About two-thirds of the site is currently surface parking.

Some early neighborhood concerns about the Baxter-Broadway project ([/story/news/local/communities/2015/12/03/phoenix-hill-apartments-draw-mixed-reaction/76716950/](http://story/news/local/communities/2015/12/03/phoenix-hill-apartments-draw-mixed-reaction/76716950/)) -- primarily concerns about losing some houses and also the proposed height of the four-story complex -- appear to have eased.

Planned amenities at the apartments would include a clubhouse with a theater, fitness center, business center and lounge, a swimming pool and several courtyards.

Edwards Communities had previously received approval of the project design from another agency -- the Bardstown Road-Baxter Avenue Corridor Review Overlay Committee ([/story/news/local/2016/02/25/zoning-hearing-set-broadway-baxter-project/80942578/](http://story/news/local/2016/02/25/zoning-hearing-set-broadway-baxter-project/80942578/)) that is tasked with reviewing the design of projects proposed in the Baxter-Bardstown corridor.



THE COURIER-JOURNAL

Kentucky House approves free community college

(<http://www.courier-journal.com/story/news/politics/ky-legislature/2016/03/17/ky-house-approves-free-community-college/81915692/>)

Edwards also plans to start construction as early as this spring on another major apartment development at the site of the nearby former Mercy Academy property along East Broadway.

Reporter Sheldon S. Shafer can be reached at 502-582-7089, or via email at [sshafer@courier-journal.com](mailto:sshafer@courier-journal.com).

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# Zoning hearing set for Broadway-Baxter project



Sheldon S. Shafer, @sheldonshafer

4:24 p.m. EST February 25, 2016



(Photo: Provided by Edwards Communities)

A March 17 hearing has been scheduled for the Louisville Metro Planning Commission to hear a rezoning request sought to develop a \$52 million, 281-apartment project proposed at East Broadway and Baxter Avenue.

The long-standing Phoenix Hill Tavern on the site would be torn down to make way for the housing, a parking garage and about 30,000 square feet of retail space proposed by Edwards Communities, based in Columbus.

A committee of the planning commission met Thursday and set the zoning hearing. The case will be on the 1 p.m. docket of the commission, which will meet at the Old Jail Building at Sixth and Liberty streets. Citizens

can attend and will have a chance to speak.

Edwards Communities earlier this month received a preliminary approval of the project design from another agency -- the Bardstown Road-Baxter Avenue Corridor Review Overlay Committee that is tasked with reviewing the design of projects proposed in the Baxter-Bardstown corridor. The approval required Edwards' representatives meet later with the city Planning & Design Department staff and get consent on such details as commercial signs, facade canopies and various materials.

Edwards Communities must get the clearance of the Planning Commission — and later the additional final approval of the Louisville Metro Council — for new commercial zoning on the northwest corner of Baxter and Broadway to develop the project.

The project will require razing the closed tavern and a handful of houses, but a half-dozen residences would be saved. About two-thirds of the site is currently surface parking.

Some [early neighborhood concerns](http://www.courier-journal.com/story/news/local/communities/2015/12/03/phoenix-hill-apartments-draw-mixed-reaction/76716950/) about the Baxter-Broadway project appear to have eased. Lingering concerns that may be discussed at the March 17 zoning hearing may focus on residents' fears that the four-story housing complex would be out of scale with surrounding residences. Another concern is the demolition of the handful of houses.

Planned amenities at the apartments would include a clubhouse with a theater, fitness center, business center and lounge, a swimming pool and several courtyards.

Edwards also plans to start construction soon of another major apartment development at the site of the nearby former Mercy Academy property along East Broadway. Edwards vice president Jon Wood said construction at the former Mercy site may begin as early as this spring.

Reporter Sheldon S. Shafer can be reached at 502-582-7089, or via email at [sshafer@courier-journal.com](mailto:sshafer@courier-journal.com).

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