

PLANNING COMMISSION MINUTES

JULY 6, 1989

PUBLIC HEARING

DOCKET NO. 9-19-89

Cherokee Triangle Areawide Rezoning

Notice of this public hearing appeared in The Courier-Journal on June 15, 1989, notices were posted throughout the affected area, and notices were sent by first class mail to adjoining property owners.

A summary analysis of the staff report was given by a staff member (See Staff Report Appendix for staff report in full).

The following spoke in favor of this request:

Gerald Toner, 949 Cherokee Road, 40204.

Nick Dosker, Jr., 1210 Cherokee Road, 40204.

Sharon Pearlman Slate, 1330 #2 Cherokee Road, 40204.

Paul Sidebottom, 1263 Bassett, 40204.

Steve Eggers, 1297 Willow Avenue, 40204.

Don Allen, 1259 Ray Avenue, 40204.

Keith Hanley, 1135 Cherokee Road, 40204.

Gary Parker, representing the Cherokee Triangle Association, 1128 Cherokee Road, 40204.

John T. Balantine, 1420 Cherokee Road, 40204.

Bruce Prizant, 1283 Bassett Avenue, 40204.

Marjorie Floyd, 1274 Cherokee Road, 40204.

Eli George, 2121 Cherokee Parkway, 40204.

The following spoke in opposition:

Bobby Garner, 1407 Willow Avenue, 40204.

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Carol Stuecker, 937 Cherokee Road, 40204, who submitted a list showing the number of dwelling units at particular sites.

Elizabeth Hill, 2318 Glenmary Avenue, 40204.

William Rance Boone, 2031 Eastern Parkway, 40204.

Robert Albrow, 2011 Baringer Avenue, 40204.

Percy Bramlett, 1060 Everett Avenue, 40204.

Steve Ficarra, resides at 1129 Cherokee Road and owns property at 1073 Cherokee Road, 40204.

Letters received prior to the public hearing were given to Commissioner present.

Petitions were circulated and signed by 44 people present in support and 8 people in opposition.

A transcript of the public hearing is on file in this docket.

In a business session conducted subsequent to the public hearing the Commission took the following action.

On a motion by Commissioner Herron, the following resolution was unanimously adopted:

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby DEFER Docket No. 9-19-89 in order to review the testimony and evidence presented during the public hearing.

The vote was as follows:

YES: Commissioners McDonald, Fischer, Herron, Hettinger, Seraphine and Taylor.

NO: None.

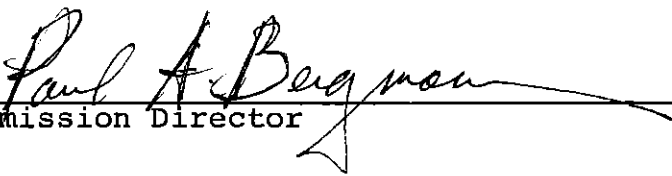
NOT VOTING: No one.

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The meeting adjourned at 7:10 P. M.


Vice Chairman


Commission Director

PRELIMINARY STAFF REPORT

Public Hearing Date: July 6, 1989

ZONING DOCKET NUMBER 9-19-89

CHEROKEE TRIANGLE AREAWIDE REZONING

Applicant: Louisville and Jefferson County Planning Commission

Request: Changes in zoning from R-5 Residential Single Family, R-6 Residential Multi-Family, R-7 Residential Multi-Family, R-8A Residential Multi-Family to R-2 Residential Single Family, R-3 Residential Single Family, R-4 Residential Single Family, R-5B Residential Two-Family, R-6 Residential Multi-Family and R-7 Residential Multi-Family in the area bounded by Baxter Avenue and Bardstown Road on the west, Cave Hill Cemetery on the north, Cherokee Park on the east and Eastern Parkway on the south. (See attached maps)

Related Cases:

Cherokee Triangle Study: Recognized by the Board of Aldermen, pursuant to Ordinance 22, Series 1980, on April 25, 1989.

Docket No. 9-84-89: Creation of R-5B Residential Two Family District. Approved by the Planning Commission. Adopted by the Board of Aldermen on May 31, 1989.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

April 27, 1989

Request: Set Public Hearing Date

Staff requested the hearing be set for July 6, 1989, at 5:30 P. M.

The Committee by general consensus set the public hearing for July 6, 1989, at 5:30 P.M.

PRELIMINARY STAFF ANALYSIS

The Cherokee Triangle is predominantly a 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, a public library and five churches.

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 Residential Multi-Family zone, followed by the R-5 Residential Single Family and R-6 Residential Multi-Family zones. The map on page 5 shows existing zoning. Homes in the 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.

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The neighborhood's population in 1980 was 4,405. Population declined since 1970, but at a lower rate than the city as a whole.

The Cherokee Triangle is a 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.

The Goals developed during the study of the Cherokee Triangle area that relate to zoning include:

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 offices or commercial use in the core; business concentrated along Bardstown Road.
3. Substantially increase the rate of owner occupied residential structures. Condominium conversions and the return to single family use to the neighborhood's old homes are supported.
4. Promote better maintenance of structures and yards.
5. Preserve and improve the tree-lined character of streets in Cherokee Triangle.
6. Reduce the impact of traffic on the area's residential character.

The section of the plan concerning land use states in summary "Residential zoning in Cherokee Triangle allows more intense development that exist in much of the neighborhood. In many block faces, less than one-third of the lots require zoning as permissive as their current classification. Existing zoning theoretically would allow the number of dwelling units in Cherokee Triangle to increase from 2700 to 6100. Historic district status and parking requirements would not allow the theoretical maximum to be obtained. Nevertheless this comparison illustrates the discrepancy between existing zoning and current development."

Zoning changes proposed for the Cherokee Triangle are shown on page 7, the chart on page 6 summarizes development allowed by various existing and proposed zoning districts. Approximately 800 parcels are proposed for zoning changes. The rezonings are intended to direct future investment to support the neighborhood plan's goals of increased owner-occupancy of structures, re-establishment of single family or duplex uses, and higher quality apartments. The proposed rezonings would reduce the number of new apartment uses that can be created; approximately 625 additional units would be allowed under the new zoning.

A major effort is the rezoning of many parcels to the newly created R-5B district. This classification permitting 2 units per lot,

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regardless of lot size, will allow residential property owners to receive income from a carriage house or 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 non-conforming under this proposal.

Non-conforming status prohibits additional apartment uses and expansion of the buildings size or area. Continued use of existing apartments is permitted, with no expiration; sale of the property does not affect non-conforming 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 non-conforming structures. It should also be pointed out that non-conforming structures destroyed by fire or other involuntary factors can be reconstructed.

The R-5B zone is proposed for those portions of the neighborhood which are currently zoned for apartment use and which are occupied by structures built as single family homes (two-thirds or more of each block face). 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. (R-7, R-6, R-5A)

In addition to the R-5B proposed changes, rezoning is proposed for blockfaces with more than one-third of structures built as apartment structures. Six areas are proposed for lower density apartment classifications. (R-7, R-6) At the blockface level, these areas conform to the density permitted by the proposed zoning district. No zoning change is proposed for apartment developments that occupy the majority of a blockface and are in the lowest density zoning district which allows their use. This exception includes the high rise apartment structures.

The final group of zoning changes proposed for the Cherokee Triangle affects areas zoned for single family use. Four blockfaces presently zoned R-5 are actually developed at lower intensities. Rezoning is proposed for these areas, to a classification allowing single family use at lower densities: R-4 (4.84 dwelling units per acre), R-3 (3.63 units per acre) and R-2 (2.17 units per acre). These blockfaces are predominantly conforming (two-thirds or more of parcels) in the recommended zoning classification.

Subsequent to advertisement of the Cherokee Triangle Areawide Rezoning, additional information was received concerning existing use of properties proposed for zoning changes. The Besten Building, 2014 Cherokee Parkway, was advertised for rezoning from R-8A to R-7. The current number of apartments in this structure requires R-8A zoning. The 1300 block of Willow Avenue (east side, between Longest Avenue and Ridgeway Alley) was advertised for rezoning from R-5 to R-4. Two of the four parcels are non-conforming in R-5 (used as duplex and

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multi-family). This blockface does not meet the criteria for rezoning to R-4.

Based upon the Cherokee Triangle Study, this staff report and evidence and testimony submitted in the hearing, the Planning Commission must determine if the proposal is in agreement with the following guidelines of the Comprehensive Plan.

- R-1 protect neighborhoods
- R-4 size, scale
- R-5 compatible densities
- R-17 historic area architecture

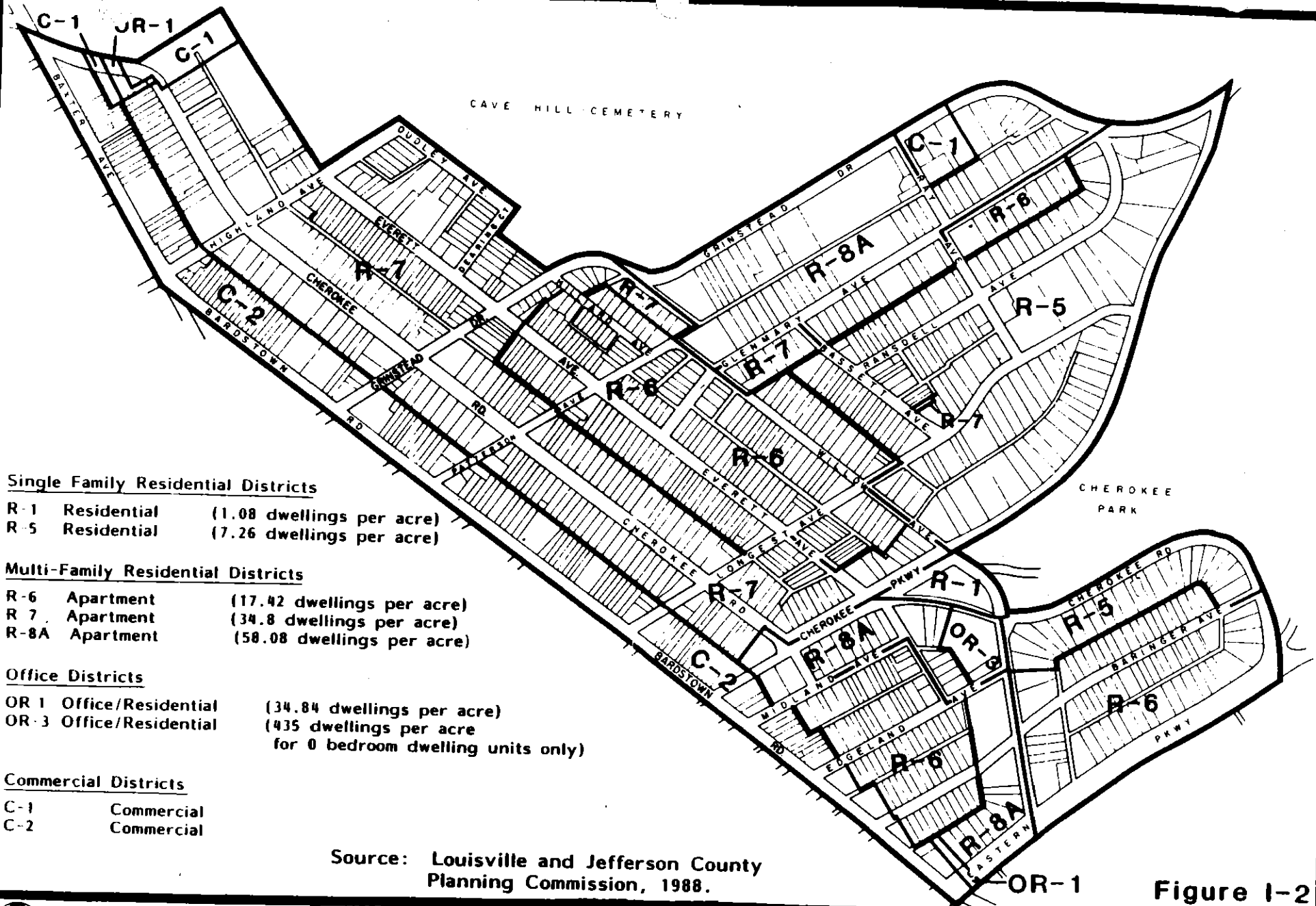


Figure 1-2

Development Allowed by Residential
Zoning Districts Applied in Cherokee Triangle

Apartment zones	Max. density	Sq. ft. of lot per apt.	Apts. on typical lot (60 x 180)	Parking spaces Required
OR-3	435/acre (efficiency apt.)	100	108	162
R-8A	58/acre	750	14	21
R-7/OR-1	35/acre	1,250	8	12
R-6	17/acre	2,500	4	6
R-5A	12/acre	3,625	3	5
<u>Two Family</u>				
R-5B	15/acre	N/A	2	3
<u>Single Family</u>				
	Max. Density	Sq. Ft.		
R-5	7.2/acre	6,000	1	1
R-4	4.8/acre	9,000	1	1
R-3	3.6/acre	12,000	1	1
R-2	2.1/acre	20,000	1	1

Cherokee Triangle Rezoning
Questions and Answers Concerning the R-5B Zone

What zoning changes are proposed for the Triangle?

Most of the neighborhood is proposed for rezoning to reduce the number of apartments permitted. The largest change involves a new zone, called R-5B, that allows two dwellings per lot.

We currently have a single family home in the area proposed for R-5B zoning. What does this zone allow us to do with our property?

The home can continue in use as a single family residence, one apartment can be added to the main structure, or a carriage house apartment can be added. No more than two dwelling units are permitted.

What's the purpose of this change?

The rezoning is intended to encourage investment in housing in the Triangle, by permitting more stable housing types -- single family homes with income potential and large apartments. New conversions of large homes into numerous small apartments would not be allowed. The new zoning would support the trend toward owner-occupied and single family homes.

I own a building with four apartments; how would a change to R-5B affect me?

Your property would be "grandfathered" under the zoning regulations, the apartments would become legal non-conforming uses. A non-conforming use can continue indefinitely; sale of the property does not affect its non-conforming status. Expansion of the use (adding apartments, enlarging the building) is not allowed.

If my house becomes non-conforming, will it be worth less?

Because the law protects the right of non-conforming uses to continue, rezoning to R-5B should not detract from the value of your property. To the extent that the rezoning encourages investment in the neighborhood, it may result in increased property values.

How do I get more information about the proposed rezoning?

Contact the Planning Commission staff, 900 Fiscal Court Building, 625-6230.