



Historic Landmarks and Preservation Districts Commission

MEMORANDUM

To:	Individual Landmarks Architectural Review Committee
From:	Bradley Fister, Planning & Design Coordinator
Thru:	Savannah Darr, Historic Preservation Officer
Date:	May 10, 2023

Case No: 22-COA-0077

Property Address: 4422 W. Broadway

Case History

May 25, 2022: The Individual Landmarks Architectural Review Committee (ARC) met to discuss case 22-COA-0077. Committee members present were Committee Chair Ashlyn Ackerman, Dave Marchal, Herb Shulhafer, and David Morgan. After the staff presentation, applicant presentation, and public testimony, the Committee approved the request for demolition with four conditions of approval (See DECISION 1 below).

DECISION 1—After-the-fact Demolition
Certificate of Appropriateness Conditions of Approval:

1. The site, which is the entire parcel, shall remain an Individual Landmark.
2. The applicant shall initiate the process and pursue local designation of the Basil Doerhoefer house as an Individual Landmark within six months of approval of the COA.
3. The applicant shall pay for the installation of a Kentucky Historical Society historical marker to be placed in front of what was the Peter Doerhoefer house prior to occupancy of the new construction.
4. The applicant shall incorporate a history of the site and community as a whole inside the new construction.

After the approval of the proposed demolition, the Committee approved the new construction with seven conditions of approval (See DECISION 2 below). During committee discussion following the motion to approve, the Committee discussed the importance of having any significant exterior changes to the approved design come back to the Committee.

DECISION 2—New Construction

Certificate of Appropriateness Conditions of Approval:

1. The applicant shall confirm, prior to construction, that the new design conforms with all other applicable regulations, including but not limited to the Jefferson County Development Code, and Zoning District Regulations.
2. The applicant shall 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.
3. The applicant shall submit cut sheets for all exterior lighting fixtures, as well as a lighting plan to staff for approval prior to installation.
4. The applicant shall submit a comprehensive landscape plan for the project, that includes the parking lot, and that meets all LDC requirements, as well as shows existing landscaping, and if the existing landscaping shall remain or be removed.
5. The applicant shall incorporate storm-water management provisions into the design of new construction, so that any related runoff will not adversely impact nearby historic resources.
6. The applicant shall work with staff to come up with possible color variations for the exterior siding.
7. If the design or materials of any component change, the applicant shall contact staff for review and approval.

A recording of the meeting and a copy of the Certificate of Appropriateness are available for review by any interested party.

May 2022 - March 2023: After the ARC meeting, the developer submitted applications for zoning approvals. As part of that process, additional revisions were mandated by the Planning Commission. It was noted in the hearings that these changes would then need to go back before the Individual Landmarks ARC for review.

March 6, 2023: Staff met with the applicant to discuss updated changes to the plans of the building and site, and ideas on how to soften the exterior façade and help it to read less institutional in character.

April 3, 2023: The applicant submitted the necessary documentation to begin the Individual Landmark designation of the adjacent Basil Doerhoefer home, as stipulated in the Certificate of Appropriateness and required by a condition of approval.

April 5, 2023: The applicant submitted updated drawings for the new construction that include:

- The removal of the previously approved 4th story.
- The continuation of the buff colored masonry cladding proposed for the front façade, which was inspired by the sandstone columns of the adjacent building. The buff masonry will wrap around the east side of the proposed new construction to the top of the first story, on all but approximately the

- last 15' of the east elevation, and to wrap around approximately the first 20' of the west elevation. The buff masonry covers the entire foundation on all elevations, and there are two large sections of masonry on the rear (south) façade.
- This is in contrast to the previously approved use of masonry, which was used more sparingly and mostly on the front façade. This helps elevate the design as a whole with higher quality materials.
 - The proposed cementitious siding is used less and mimics the historic reveal and white color of the neighboring building, as well as the Individual Landmark that was demolished previously on the site.
 - This is in contrast to the previously approved use of cementitious lap siding to be painted gray. There was more siding used previously that would be visible from all elevations.
 - Repositioning the window pattern on the front (north) façade to resemble a residential window pattern as seen on the neighboring buildings. The windows are articulated to look more like traditional 1/1 double-hung windows.
 - This is in contrast to the previously approved design where the windows read visually as more of a commercial/institutional style fixed window.
 - A more articulated, defined, and continuous cornice was added across the top of the entire building, with a more traditional contrasting color along the front (north) façade.
 - This is in contrast to the previously approved, subtler cornice line. The previous cornice was very thin and more modern in style.
 - The first story cornice is white and connects across horizontally to mimic the continuation of a symmetrical front porch as seen on residential buildings in the adjacent area.
 - This is in contrast to the previously approved gray cornice, which read visually as more of a commercial/institutional in style.
 - The configuration of the parking area has also changed. The new lot will be accessed from a driveway off S. 45th Street as there will be no curb cut from W. Broadway. The parking area now has 28 spaces. The increase of parking spaces was a requirement from the Planning Commission.
 - This is in contrast to the previously approved parking area that was 18 spaces with a vehicular drive lane off W. Broadway.

May 10, 2023: The Individual Landmarks ARC is scheduled to review the proposed design changes at 4:30pm in the Old Jail Auditorium (514 W. Liberty Street).

Staff Recommendation—Updated

With the proposed design changes, staff believes the design generally meets all the design guidelines for Site and New Construction Commercial, other than NC2, which states not to demolish contributing structures in a historic district to make way for new, or large-scale, construction. This was addressed and mitigated at the last ARC meeting with the Committee requiring the designation be expanded to adjacent historic building and installation of a historic marker. Staff recommends approval of the design changes with the same conditions approved by the ARC previously, with the exception of updating the condition related to the designation of the Basil Doerhoefer house

On the basis of the information furnished by the applicant, staff recommends the application for a Certificate of Appropriateness be **approved** with the following conditions:

1. The site, which is the entire parcel, shall remain an Individual Landmark.
2. The applicant shall continue to work with staff concerning the local designation of the Basil Doerhoefer house as an Individual Landmark.
3. The applicant shall apply for a Kentucky Historical Society historical marker to be placed in front of what was the Peter Doerhoefer house prior to occupancy of the new construction.
4. The applicant shall incorporate a history of the site and community as a whole inside the new construction.
5. The applicant shall confirm, prior to construction, that the new design conforms with all other applicable regulations, including but not limited to the Jefferson County Development Code, and Zoning District Regulations (now referred to as the Louisville Metro Land Development Code or LDC).
6. The applicant shall 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.
7. The applicant shall submit cut sheets for all exterior lighting fixtures, as well as a lighting plan to staff for approval prior to installation.
8. The applicant shall submit a comprehensive landscape plan for the project, that includes the parking lot, and that meets all LDC requirements, as well as shows existing landscaping, and if the existing landscaping shall remain or be removed.
9. The applicant shall incorporate storm-water management provisions into the design of new construction, so that any related runoff will not adversely impact nearby historic resources.
10. The applicant shall work with staff to come up with possible color variations for the exterior siding.
11. If the design or materials of any component change, the applicant shall contact staff for review and approval.

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.	+	The relationship between the site and proposed new construction is generally complimentary.
ST2	Retain established property line patterns and street and alley widths. Any replatting should be consistent with original development patterns.	+	Property lines will remain the same.
ST3	Use paving materials that are compatible with adjacent sites and architectural character.	NSI	This needs to be clarified with the landscape plan. A landscape plan will be required as part of the development plan process.
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.	NA	
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.	NA	
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.	+	Parking is proposed to be located on the side with access from a drive off 45 th Street.
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.	+	Front yard topography shall generally remain the same per submission.
ST9	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.	+	Applicant shall take any and all appropriate precautions necessary not to harm the neighboring historic building, and if archeological resources are discovered, they shall contact staff prior to work continuing
ST10	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	
ST11	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	

ST12	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	
ST13	Install only historically-compatible iron fencing under 2'-5" in height where there is demonstrable historic precedent.	NA	
ST14	Do not install front-yard fencing where there is no historic precedent.	NA	
ST15	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.	NA	
ST16	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.	NA	
ST17	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	Applicant shall submit cut sheets for all exterior lighting and a lighting plan to staff for approval prior to installation
ST18	Do not light parking areas or architectural features in a harsh manner. Generally, an average illumination level of 1.5 to 2.0 foot-candles will be sufficient. Light should be directed down and away from neighboring properties.	NSI	Applicant shall submit cut sheets for all exterior lighting and a lighting plan to staff for approval prior to installation
ST19	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.	NSI	Applicant shall submit a landscape plan
ST20	Use high-pressure sodium or metal halide lights to create a soft illumination where site or streetscape lighting is desired.	NSI	Applicant shall submit cut sheets for all exterior lighting and a lighting plan to staff for approval prior to installation
ST21	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	See conditions of approval
ST22	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.	NA	
ST23	Ensure that all proposed cellular towers and associated fixtures will be properly screened from view.	NA	
ST24	Install utility lines underground whenever possible.	NA	

NEW CONSTRUCTION

COMMERCIAL AND INSTITUTIONAL 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 applicable regulations including the Jefferson County Development Code and Zoning District Regulations.	NSI	The zoning change was reviewed by the Planning Commission, and a recommendation of approval was sent to Metro Council for review to approve or deny.
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.	-	The Peter C. Doerhoefer House was demolished without a required COA or an emergency demolition permit. This was discussed and mitigated at the last ARC hearing.
NC3	Design new construction so that the building height, scale, massing, volume, directional emphasis, and setback reflects the architectural context established by surrounding structures.	+/-	Though the overall scale is larger than what was on the site previously, it is generally not in conflict with the existing adjacent buildings and others on W. Broadway.
NC4	Make sure that the scale of new construction does not conflict with the historic character of the district.	+	
NC5	Select materials and design elements for new construction that are sympathetic with surrounding historic buildings in the district. Materials should be of a complementary color, size, texture, scale, and level of craftsmanship.	+	The brick veneer and lap siding cladding relate to the neighboring historic structures. For example, the buff color brick and the large column on the front façade are reminiscent in both color and form of the stone columns and lap siding that are character defining features on the adjacent Basil Doerhoefer House and neighboring buildings.
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.	+	
NC7	Have new construction reinforce the human scale of historic districts by emphasizing the base of the building where this is a character-defining feature.	+	The way the awning projects along the front façade in the new design is a similar horizontal plane as the front porches on historic buildings along W. Broadway. This feature also works to reinforce the human scale and pedestrian oriented character of the historic block as a whole.
NC8	Design infill construction that enhances the pedestrian-oriented character of historic commercial districts. Commercial buildings should have a well-defined base at the pedestrian level with details conveying a sense of horizontality and progression along the sidewalk.	+	

NC9	Design new construction in such a way that it does not disrupt important public views and vistas.	+	There are no important views and vistas that will be disrupted.
NC10	Plant canopy trees in front of any large-scale new construction to provide a visual sense of consistency along a streetscape.	NSI	A landscape plan needs to be submitted.
NC11	Reinforce existing patterns of open space and enclosure, created by circulation routes, fences, walls, lawns, and allees of trees, in designs for new construction.	NSI	A landscape plan needs to be submitted.
NC12	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.	+	
NC13	Design infill construction in such a way that the façade'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.	+	While the current design is more modern than the surrounding structures, it has complementary elements like those listed.
NC14	Design new construction so that the building mass has a similar sense of lightness or weightiness as surrounding historic structures. Mass is determined by the proportion of solid surfaces (walls) to voids (window and door openings).	+	The proposed fenestration is more traditional on the front façade to match the neighboring building. It contains the same sense of lightness as the surrounding historic structures.
NC15	Maintain historic patterns of window and door proportion and placement in designs for new construction.	+	
NC16	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.	+	The windows read as traditional double-hung windows as seen on many of the neighboring buildings.
NC17	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.	+/-	The proposed doors do not match the more residential doors on the block, but they are fitting for the nature of this building.
NC18	Design new construction so that the orientation of the main entrance is the same as the majority of other buildings on the street.	+/-	While the main entrance is located on the west elevation, there is a storefront and entry door on the front façade.
NC19	Retain the character-defining features of a historic building when undertaking accessibility code-required work.	NA	
NC20	Investigate removable or portable ramps as options to providing barrier-free access.	NA	
NC21	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 way that does not damage historic fabric and is as unobtrusive as possible.	+	The front as well as the side entrances provide ground level access, without a need for an ADA ramp.
NC22	Design infill construction so that it is compatible with the average height and width of surrounding buildings. The rhythm of the façade should also reflect the characteristic rhythm of existing buildings on the street. Vertical elements (doors, columns, and storefronts) should be spaced approximately every 20 to 40 feet at the pedestrian level.	+/-	Though the overall scale is larger than what was on the site previously, it is generally not in conflict with the existing adjacent buildings and others on W. Broadway.
NC23	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.	+	
NC24	Incorporate set-back upper stories into designs for new construction that exceed the established cornice line.	NA	
NC25	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. New	+	While this structure is larger in scale, it still meets this guideline.

	construction should be built out to the property lines where this is a character-defining feature.		
NC26	Historic commercial properties have long been anchors in Louisville's preservation districts. Construction of commercial properties on vacant corner lots should preferably be built to the corner with an entrance oriented to the corner.	NA	
NC27	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 new building has a setback that matches the building to the east. The Basil Doerhoefer House has a slightly deeper setback appropriate for a residential structure of its style.
NC28	Ensure that the roofs of new buildings relate to those of neighboring historic structures in pitch, complexity, and visual appearance of materials.	+/-	There are a mix of roof types on this block of W. Broadway. The proposed flat roof will be complementary.
NC29	Follow the precedent set by adjacent buildings when designing rooflines for infill construction. Where the predominate form is flat, built-up roofs are preferred. Where the predominate 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.	+/-	There are a mix of roof types on this block of W. Broadway. The proposed flat roof will be complementary.
NC30	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.	+	
NC31	Design new construction to emphasize the existing cornice line on each block where this is a character-defining feature.	+	A traditional cornice line is included across the front of the new building.
NC32	Integrate mechanical systems into new construction in such a way that rooftops remain uncluttered.	NSI	See conditions of approval
NC33	Make provisions for screening and storage of trash receptacles when designing new construction.	+	Dumpsters are proposed for the rear and enclosed.
NC34	Use an exterior sheathing that is similar to those of other surrounding historic buildings.	+	The buff color brick and lap siding are reminiscent in both color and form of the stone columns and lap siding that are character defining features on the adjacent Basil Doerhoefer House and neighboring buildings.
NC35	Use masonry types and mortars that are similar to surrounding buildings in designs for new construction.	+	The buff color brick is reminiscent in both color of the stone columns on the adjacent Basil Doerhoefer House and the brick on neighboring buildings.
NC36	Do not use modern "antiqued" brick in new construction.	NA	
NC37	Design parking garages so that they relate closely to adjacent structures. Their facades should reflect the hierarchical organization and design elements seen on surrounding buildings.	NA	
NC38	Design new construction so that access to off-street parking is off alleys or secondary streets wherever possible.	+/-	The off-street parking is located west of the building and will be accessed by a driveway off 45 th Street.
NC39	Generally, leave at least 20 percent of a parking lot's surface area unpaved and planted. All parking lots must meet the minimum requirements of the city's Development Code. Perimeter landscaping, fencing, colonnades, or other construction that visually continues the building line along open sidewalks is encouraged.	NSI	The applicant shall submit a landscape plan to address.
NC40	Generally speaking, parking should be located in the rear.	+/-	Parking is also located on the side where the main entry is located. The building is situated too close to the rear property line for parking.

NC41	Design required new parking in such a way that it is as unobtrusive as possible and minimizes the impact on the historic setting. Shared parking areas among groups of businesses is encouraged.	NSI	The applicant shall submit a landscape plan
NC42	Do not build additional surface parking lots within the West Main Preservation District.	NA	
NC43	Incorporate storm-water management provisions into the design of new construction, so that any related runoff will not adversely impact nearby historic resources.	NSI	See conditions of approval
NC44	Do not create additional open space within the West Main Historic District.	NA	