



## Clifford H. Ashburner

Partner

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Cliff understands that successfully handling a client's development project isn't just knowing the law, sometimes it means getting his hands dirty. If that means touring a condemned building with a structural engineer or walking a neighborhood to take decibel readings as part of a report on noise pollution, so be it.

He practices real estate and development law. His experience includes advising and representing clients in appearances before planning commissions, zoning boards, city councils and courts. He is proficient in development issues and has successfully handled development projects from acquisition through entitlement and financing to construction.

Cliff thrives on guiding a project along the shortest possible route through the entitlement process. Sometimes this is a lengthy rezoning effort, but, often, there are alternatives that can save clients time and money. He believes his success stems from an ability to understand both his client's needs and concerns held by city officials or prospective neighbors.

That's why when neighborhood residents were concerned about a client's plans to remove a historic structure that wasn't habitable, he toured the building with a structural engineer to make sure he understood the issue. And when another neighborhood was concerned about a client's plans to add a bus company workshop and dispatch facility near their property, Cliff took decibel readings himself and presented the results to the local planning commission. After proving the additions wouldn't add any significant noise to the area, the plan was approved.

Cliff has authored several zoning regulation and code amendments in different jurisdictions to aid clients and industries, successfully challenged property assessments, which meant a reduction in property tax, and drafted subdivision covenants and condominium master deeds. Along with his development-related work, he has represented borrowers in development financing transactions and drafted access easements and operating covenants for commercial developments.

He is the first Kentucky attorney to obtain the LEED Accredited Professional accreditation.

### Services

- Corporate & Transactional

- Real Estate
- Development & Zoning
- Real Estate Construction
- Acquisitions & Dispositions
- Mercantile Title Agency, Inc.

## Education

- University of Kentucky College of Law (J.D., 1998)
- James Madison University (B.A., 1995)
  - English

## Bar Admissions

- Kentucky

## Affiliations/Memberships

- Greater Louisville, Inc., Board of Directors
- Urban Land Institute, Management Committee
- Isaac W. Bernheim Foundation, Board of Trustees
- Louisville Metro Comprehensive Plan Advisory Committee, co-chair
- Building Industry Association of Greater Louisville, Land Development Committee, affiliate member
- Kentucky Bar Association
- Louisville Bar Association
- Leadership Louisville
  - Bingham Fellows Program, Class of 2010, 2020
  - Focus Louisville Program, Class of 2010
- Vision Louisville, Energy Team, chair
- Leadership Kentucky, Class of 2011
- Kentucky Commercial Real Estate Conference, co-founder

## Distinctions

- LEED Accredited Professional
- Peer Review Rated AV<sup>®</sup> Preeminent<sup>™</sup> by *Martindale-Hubbell*
- *Chambers USA<sup>®</sup>: America's Leading Lawyers for Business*, Real Estate
- "Top Lawyers" in the area of Land Use & Zoning Law by *Louisville Magazine*
- SPIRE Award for "the greatest positive impact on Kentucky commercial real estate in 2011"

## Experience

### **Pro Bono Counsel to Historic Riding Club**

Our client is a historic riding club with 501(c)(3), and we assist with pro bono legal work. We have prepared license and lease agreements, advised on property valuation issues, and counselled on insurance and liability issues for both the club and its annual horse show.

### **Development Counsel for Regional Bus/Coach Company**

We served as development counsel to a regional bus/coach company working to obtain rezoning and entitlements needed to relocate an expanded headquarters and dispatch facility. The new location was directly adjacent to a neighborhood, necessitating a protracted negotiation of buffering standards and site design.

### **Led Zoning Approval for Driving Range/Restaurant Concept**

We led the high profile development approval effort for a large driving range/entertainment venue located at a regional mall adjacent to a suburban neighborhood. Our efforts included working with a public relations firm to galvanize support for the project. We managed a successful planning approval effort to overcome significant opposition from nearby property owners, which included organizing expert testimony and conducting coordinated public engagement efforts to address areas of public concern.

### **Project Counsel During Re-purposing of Elementary School**

We served as land use counsel for the Family Scholar House project that adaptively reused the historic Parkland Elementary School, turning it into housing with community facilities for single-parent college students. We worked with Marian Development Group and Louisville Metro to expedite the rezoning process, reducing the review process to less than 100 days from filing to signed ordinance.

### **Project Counsel for Multi-Use Development Site**

We served as project counsel for a large mixed use development that included commercial space, a public park, and more than 400 units of affordable housing for children aging out of foster care, single-parent college students, families, and senior citizens. Working with two firm clients, LDG Development, LLC and the Marian Group, we obtained expedited rezoning of the site and negotiated a development agreement with Louisville Metro for the contribution of city and state funds to aid in the creation of the affordable housing units. We also helped structure and close on the financing needed for the overall development.

### **Provided Counsel to Clients Operating Airbnb Units in Louisville**

We worked with a firm client, who operates several short term rental units in the Louisville Metro area, to ensure newly enacted local regulations on short-term rentals enabling the business to continue. Our work also ensured other owners in the city had a process to seek approval for short-term rental units.

### **Served as Project Counsel During Redevelopment of Historic Cotton Mill**

Working with a firm client, the Marian Group, we served as project counsel for the redevelopment of the former Bradford Mills in the Germantown neighborhood of Louisville. The redevelopment turned a semi-active warehouse into 144 loft apartments and commercial space on approximately 2.4 acres.