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Attorneys at law

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STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Edwards Communities Development, Co.

Owner: Riche Properties, LLC; Roppel Auto Radiator Service; Triangle Realty, LLC; Baxter Avenue Realty, LLC

Location: 648, 650, 632, 636, 652, 656 Baxter Ave; 1229, 1211, 1209, 1207, 1205, 1203, 1249, 1235, 1233, 1231, 1227, 1223, 1219, 1217, 1215, 1213 E. Broadway; 1022, 1024, 1026, 1014, 1018, 1020, 1022R. Rogers Avenue

Proposed Use: Mixed use (retail/restaurant and apartment community)

Engineers, Land Planners and Landscape Architects: Gresham Smith & Partners

Requests: Change in Zoning from R-6 and OR-3 to CR and C-2

INTRODUCTION

The redevelopment of these approximately 30 properties began with planning approximately one year ago and, as of the date of this filing, has now encompassed multiple meetings with Metro Planning and Economic Development officials as well as with historic preservationists, neighbors and various neighborhood organizations, including those from the Original Highlands, Phoenix Hill, Irish Hill and the Cherokee Triangle. Several meetings have been held with most of these groups.

One of the main changes to the original concept plan since the initiation of planning on this project has been the decision to save the five houses along Broadway closest to Rubel Avenue and to think in terms of ways that those houses might be rehabilitated and hopefully sold for owner-occupant use. It may not be this applicant that rehabs those houses, but this applicant is the purchaser and has agreed to not demolish them and to come up with a plan to improve them. In addition, this applicant has agreed to save an Italianate façade from one other house along Broadway and an additional façade of a building claimed with significant historical significance along Baxter Avenue.

Additionally, this applicant has spent a great deal of time trying to address other issues that have been raised at these meetings, including the design of its building that takes into account some architectural features evident in the area, to give the overall structure an exterior appearance as though it is multiple structures, to include retail along the Baxter Avenue street level and turning

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the corner and extending not very far down Broadway, and to include more than sufficient parking in order to address, not just the parking requirements of the proposed apartment users and retail establishments, but some of the existing short supply of parking along the Broadway and Baxter corridor.

The overriding theme of this project is to introduce market-rate apartments in an area that is popular with the entire age spectrum from millennials to baby boomers. This will not be an “affordable” housing community in the traditional sense. But it will be an apartment community that is diverse with multiple unit designs and square footages at various price points. It will incorporate attractive amenities such as indoor exercise facilities, outdoor pool and gathering points, bike storage and, of course, covered parking.

GUIDELINE 1 - COMMUNITY FORM

The two applicable form districts for this property are the Traditional Neighborhood and the Traditional Marketplace Corridor. The proposed project can function within both of these form districts, presumably without changing them. That is because the Traditional Neighborhood Form is characterized predominantly by residential uses, which is what will be located within those areas. This is a higher density residential community, which generally is what is found in a Traditional Neighborhood. This project will incorporate walking, open spaces and all of the typical attributes of a Traditional Neighborhood. The same is true of the Traditional Marketplace Form portion of this project, as it will exist at the ground level of two major corridors, Baxter Avenue and Broadway. Most of the proposed retail will be along the Baxter Avenue corridor. Buildings will be brought to the street, they will have the look of individual buildings with multiple façade types, they all will be accessible from sidewalks, and there will be a mix of uses, especially along Baxter Avenue and as one makes the turn west for a short distance on Broadway. Not just street trees but street furniture will be added along the retail portions of these two corridors.

GUIDELINE 2 - CENTERS

This application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of this Guideline as follows.

The detailed district development plan (DDDP) filed with this application clearly promotes an efficient use of land, given that two-thirds of the overall site is currently vacant, meaning that it is just utilized as surface parking. Instead of all that unused, unattractive asphalt, and considering the fact that some of the buildings to be removed have outlived their useful lives, this project will represent a significant transition of this overall site from a highly unproductive use to a thoroughly productive one, resulting in an efficient use of land and investment in existing infrastructure, where utilities are available, where commuting distances to downtown and Bardstown/Baxter and Broadway corridor jobs can be reduced, where air quality is thus left unaffected, and where a sense of place and vitality are brought to an area which, as said, is presently largely under-utilized. While some residents of the area and interest groups have expressed an interest in leaving all of the buildings intact, it would be impossible for this developer, and truly for any developer given that no other one has emerged, to develop this site in a very highly productive manner with new building only on the two-thirds portion of the site that is currently vacant, having to build around existing buildings. It would be an impossible puzzle (considering all the missing pieces) to construct.

This activity center is located at the appropriate intersection of a Traditional Neighborhood and Traditional Marketplace Corridor, which is to say, on the Marketplace Corridor itself and on the edge of the residential neighborhood. It is appropriate for both nonresidential and residential use because of the mixed use nature of this area already and the fact that, within an urban setting, a mixture of uses at an intersection of two major thoroughfares, such as Baxter and Broadway, is by definition an activity center and, in this case, one that can be completely revitalized. The development is compact, comprising just short of 300 apartment units and just short of 40,000 square feet of retail on relatively few acres. The retail will be confined to the first floor, mostly along Baxter Avenue, with residential atop it. Uses within the retail portion will probably be small shops and restaurants, compatible ones with the residential apartment units above the retail uses. A center parking garage will be completely surrounded by these buildings so as not to be visible, and all the parking in there will be shared among the retail and apartment dwellers. The project design within this activity center has been a collaborative effort of the applicant's principal owners, its architects, its land planners, its land use attorney and community interests, including those, as noted hereinabove, from historic preservation to neighborhood groups, both formally and informally brought together.

GUIDELINE 3 - COMPATIBILITY

This application complies with all of the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 28 and 29 of this Guideline as follows.

As already noted, the mixture of residential and retail land uses and their design have been a collaborative process, first relying upon the economic essentials to make this project work that the applicant alone knows about. But, second, the applicant has relied upon the expertise of architects, both local and others with national experience in other communities, local land planners and land use attorneys with years of experience and expertise working all over Louisville Metro and in Traditional Neighborhoods and Traditional Marketplace Corridors like this, plus neighbors and other special interests such as those involved with historic preservation.

In that regard, compatibility of design has been a key component of all planning and design efforts. Buildings shown on the elevation renderings accompanying this application incorporate design evident in neighborhoods and along corridors proximate to this location. Building materials also are evident elsewhere nearby, and these will mostly be brick and cementitious siding so as to be maintenance free. Buildings will be designed so that residents are not adversely impacted from the noise of retail and activities on the first floors or from street traffic. Lighting will be incorporated into the design to make sure that the area is safe and the buildings appropriately accented for attractiveness.

Housing sites, while not meeting the technical definition of "affordability", will be diverse to the extent that there will be lots of unit designs with varying square footages and varying price points. But the target market is really empty-nesters, although ranging from millennials to baby boomers and all age groups in between who have a desire to live in an urban, very walkable activity center. While multiple-story, there will be elevators that will make all housing accessible to elderly and handicapped people.

As to exterior areas, street trees will be incorporated along Baxter and Broadway, and landscaping will be evident within the center courtyards as well.

Buildings appear to meet all of the required setbacks, although a modest height variance is included in this application.

Parking will be interior to the site, with access off of Broadway and also off of Baxter Avenue. Loading and delivery will also be in this central garage area.

Signage will be attractive and unobtrusive, building mounted to advertise the various street level businesses and as a notation of the access points to the apartment and garage structures.

GUIDELINES 4 - OPEN SPACE

This application complies with the Intents and Policies 1, 3, 4, 6 and 7 of this Guideline as follows.

The proposed project, as shown on the DDDP and on the elevation renderings accompanying this application incorporates interior courtyards for passive and recreational enjoyment. That is to say that there will be multiple seating areas for individual relaxation and gathering within the community. Plus there will be an outdoor pool as well as indoor recreational facilities. Street furniture for seating, probably at restaurants, along Broadway Baxter will also be incorporated into the design.

GUIDELINE 5: HISTORIC RESOURCES

This application complies with the Intents and Policies 2, 4 and 5 of this Guideline as follows.

As noted in the Introduction of this Compliance Statement, five houses on Broadway closest to Rubel that the applicant was required to include in its acquisition will be preserved, not demolished, with some kind of arrangements made, possibly with a community-based organization, which will allow the houses to be rehabbed and presumably available for owner occupancy. The façade of an Italianate structure along Broadway will also be saved, as will a façade of another historic building along Baxter. It will be impossible to save any of the other structures without abandoning this project, because finances are marginal, given the extraordinary cost of a large parking structure and high cost of urban property acquisition. Theoretically it is true that someone could save all of the buildings and simply insert buildings where gaping holes presently exist. But no one has come forward with a plan for that or made such an offer. If this project is not allowed to proceed as it has been sensitively and creatively planned, then, in all likelihood, this overall site will remain, at best, in its current condition long-term as two-thirds vacant with many of the buildings in serious states of disrepair.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

This application complies with the Intents and applicable Policies 1, 2, 3, 5, 6 and 11 of this Guideline as follows.

As noted, this is a site that has undergone serious degradation over the years, in part because one of the largest occupants of it has been a bar, which has operated for several decades. Such intense use has taken its toll on it and surrounding properties. Two-thirds of the overall site is vacant, and what isn't vacant either needs to come down or needs investment of the kind of resources that probably just aren't going to be available, except through a plan like this one. Accordingly, given the multi-million dollar investment by this applicant, which has considerable experience with

projects of this kind, particularly in Columbus, Ohio, but also in other cities nationally, this is precisely the kind of investment in older neighborhoods that is needed, adaptively reusing what can be saved and redeveloping what cannot be.

GUIDELINES 7, 8 and 9 - CIRCULATION, TRANSPORTATION FACILITY DESIGN, and ALTERNATE MODES OF TRANSPORTATION

This application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 10, 11, 13, 14, 15 and 16 of Guideline 7; Policies 1, 4, 7, 8, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

First and foremost, this project includes an interior parking garage that will be completely surrounded by buildings so that it is not visible from other properties because parking garages are not generally aesthetically attractive. But this parking garage serves an important function, not only by providing adequate parking for residents and retail tenants and their customers, but also by adding parking to help address parking shortages along the Baxter Avenue and Bardstown Road corridors. Access to this development will be off Baxter Avenue and off Broadway, far enough distances away from the intersection of Baxter and Broadway to make them safe, accessible points of ingress and egress. Metro Transportation Planning and Public Works must assure that there is good site distance and that the points of access are wide enough and that circulation internally is sufficient so as to be safe to residents, retail customers and to commercial users making drop-offs and pickups.

Sidewalks are located along Broadway and Baxter Avenue. In the internal open spaces, there will be easy walking between points of access to the building and its outdoor amenity spaces. Significant bicycle storage will be provided. Transit stops will also be evident along Baxter Avenue and Broadway.

GUIDELINES 10, 11 – STORMWATER and WATER QUALITY

This application complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and applicable Policies 3 and 5 of Guideline 11 as follows.

MSD requirements for onsite detention and water quality will be incorporated into the final design of this facility. Final design is not completed of these critical components, but there is no getting around the regulatory requirements, so more information in these regards will be provided as the applicant moves deeper into the construction plan process.

GUIDELINE 12 – AIR QUALITY

This application complies with the Intents and applicable Policies 1, 3, 7, 8 and 9 of this Guideline as follows.

By locating a high-density/intensity mixed use development in an already existing activity center such as this one, vehicle miles traveled are reduced for people residing here who work downtown or along the Baxter and Broadway corridors who are likely to be the principal residents of this facility. Other residents may not work in those areas, but then they will be the kinds of people who choose to recreate along these very socially active corridors. So their travel times are also either eliminated or greatly reduced. It can be anticipated that there will be an awful lot of walking and some biking, activity involved among the residents of this project. 15ZONE

GUIDELINE 13 – LANDSCAPE CHARACTER

This application complies with the Intents and applicable Policies 1, 2, 3, 4, 5 and 6 of this Guideline as follows.

The Land Development Code specifies exactly what is required in terms of types of plantings and where. As already noted above, this applicant has committed itself to provide street trees along Baxter and Broadway and to incorporate other landscaping within the open space amenity areas evident on the site plan. Of course, all regulatory requirements with respect to tree canopies, perimeter landscaping, etc. will be fully addressed at time of final landscape plan submittal.

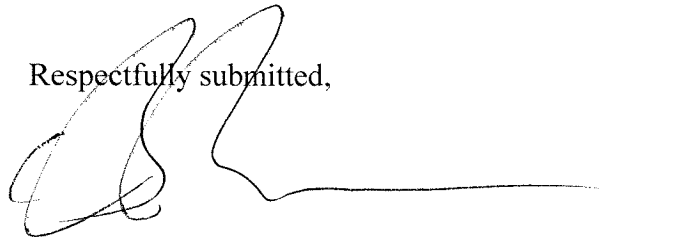
GUIDELINE 14 – INFRASTRUCTURE

This application complies with the Intents and applicable Policies 2, 3, 4, 6 and 7 of this Guideline as follows.

Because this is an urban infill site, infrastructure in the form of utilities are available within the adjoining streets. Therefore, extensive utility extensions are not required. But there is one piece of infrastructure that is very costly and could, in the end, make this project awfully challenging, if not impossible, to do, and that is the large parking structure. An urban infill development is a very positive thing for this community, but it is also extraordinarily expensive. First, there is the ingredient of land, which comes at a price much higher than vacant land in outlying areas. That is because, even though often times the land has structures on it that are not particularly usable, those structures still have some value because they have a small rent potential, even often in their degraded state. And then there is the added cost of demolition of old structures. Plus the very act of constructing within a confined area adds to the cost. But a parking structure itself comes with a price tag of about \$20,000 per space, meaning that the cost of accommodating approximately 400 vehicles on a site like this is something on the order of seven times the cost of accommodating parking in a suburban green-fields area. Thus, infrastructure in the form of parking requires some level of government assistance, or else a project like this becomes cost unaffordable. That is the reason why most urban infill projects, for example the two recent apartment communities off Lexington Road and in Butchertown and the large Omni project, all rely on significant government assistance.

For all these reasons and as evidenced by the DDDP and other evidence submitted with this application and to be presented at LD&T and Planning Commission meetings, the proposed project complies with all other Intents, Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,



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Neighborhood Meetings Summary

Neighborhood meetings were called to order by Bill Bardenwerper at the Highlands Community Centers on E. Breckinridge Street on Tuesday, October 6th at 7:00 PM and November 10th at 7:00 pm. Also attending were Jon Henney, land planner with Gresham Smith & Partners, and the applicant representatives, Jon Wood and Ryan Szmanski with Edwards Communities Development Company, LLC.

Mr. Bardenwerper showed PowerPoint presentations which included aerial photographs of the area, close up and farther out, at the second meeting the site plan (also superimposed on aerial views), LOJIC zoning map, artist rendering of the building and photographs of similar Edwards' apartment and mixed use projects.

At the first neighborhood meeting, Mr. Bardenwerper and the Edwards representatives made it clear that Edwards had yet to decide what exactly to build where on the site, other than generally speaking a sturded mix retail and residential project. They said that, whereas there were over 30 properties involved in the transaction to acquire rights to develop this site, not necessarily all of the site would be changed. For example, they said they understood that houses along Broadway were of special interest to neighborhoods that wanted to retain the residential character of that street. Yet, in order to create anything of consequence in this area, they said, especially considering the rundown and non-historic or otherwise inconsequential nature of many of the structures along Baxter Avenue, and in order to be able to afford to include a large parking structure internal to the site, substantial redevelopment would have to occur along Baxter Avenue at the very least. They said that the concept being discussed internally included 4 or 5 stories along Baxter Avenue, wrapping the Broadway and Rogers Street corners and then stepping down to lower height as the buildings approach existing residential structures. They spent considerable time talking the need for adequate parking, so that the limited, much in-demand parking along nearby neighborhood streets would not be adversely impacted.

They said that the first story of proposed buildings along Baxter and wrapping the corner at Broadway would be retail, probably somewhere in the neighborhood of 35-40,000 square feet, with everything above and extending partway down Broadway and Rogers residential apartments.

As they took questions, some of the questions addressed the issue of market rate versus affordable housing. Edwards representatives and Mr. Bardenwerper explained that, because their understanding was that such a significant percentage of houses in nearby neighborhoods were already rental, more rental style apartment buildings in the area, such as proposed, could cause some of the rental houses to be returned to owner-occupied status, which they maintained is better for the long term viability and stability of these neighborhoods. They understood, they said, of course, that people who own large numbers of homes to rent might not want to see apartment buildings compete with their single-family rentals. But they said that Edwards' price points will tend to differentiate one from the other, because the proposed Edwards apartment community would be market rate at the higher end because of the cost of land, expense of structure parking,

high quality of construction, and extent of amenities included within the proposed Edwards apartment community.

Some people spoke passionately about the need to retain certain historic structures, while a few people even spoke of the desire to retain everything as is with no new construction. Yet others thought that the idea of revitalizing this neighborhood by eliminating deteriorating or already deteriorated structures with new ones would be good for property values and improve the quality of life in the nearby community, especially if in the nature of mixed use.

By the time of the second meeting, Edwards had developed a full site plan for the properties in question, showing that a number of houses along Broadway would be retained and where the proposed new apartment structure with first floor retail and interior parking structure would be located and how apartments would be accessed. Whereas, an artist's conceptual elevation was proposed at the first meeting, greater design detail in accordance with the land plan was shown at the second meeting.

Many of the same comments as at the first meeting were reiterated at the second, notably among some that everything should be saved and nothing touched, and among others that portions of the site proposed for demolition were appropriate. The majority of people (by time of the second meeting) seemed to think that this was a plan that had come a long way to account for neighborhood emotions and attachments to certain things remaining as is and certain buildings being retained.

Respectfully submitted,

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