

# Planning Commission

## Staff Report

May 29, 2014



<b>Case No:</b>	14zone1001
<b>Project Name:</b>	1373 Lexington Road
<b>Location:</b>	1373 Lexington Road
<b>Owner(s):</b>	6202 Six Mile Lane LLC
<b>Applicant:</b>	Cityscape Residential
<b>Representative(s):</b>	Land Design and Development; Wyatt, Tarrant and Combs
<b>Project Area/Size:</b>	9.69 Acres
<b>Existing Zoning District:</b>	M-3
<b>Existing Form District:</b>	TN
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9-Tina Ward-Pugh
<b>Case Manager:</b>	Julia Williams, AICP, Planner II

### REQUEST

- Change in zoning from M-3 to R-8A
- Variance from Table 5.2.2 to increase the maximum building height from 45' to approximately 75'. A 30' variance.
- Waivers:
  1. Chapter 10.2.4 to permit the encroachment of parking into a 15' LBA along the east property line.
  2. Chapter 10.2.12 to permit a greater distance between ILAs.
  3. Chapter 5.4.1.G.1.b to permit parking west of Building A to not be located to the rear of the building.
- Revised District Development plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The property is currently vacant but was once used as a scrap metal processing facility. The applicant is requesting a change in zoning from M-3 to R-8A to permit multi-family residential on the property. 3 buildings are proposed with parking around the buildings but to the rear. The property is surrounded by M-3 and EZ-1 zoned properties within the Traditional Neighborhood Form District. Beargrass Creek wraps the north and west edges of the property.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant Industrial	M-3	TN
<b>Proposed</b>	Multi-Family Residential	R-8A	TN
<b>Surrounding Properties</b>			
<b>North</b>	Vacant/Railroad/Industrial	EZ-1	TN
<b>South</b>	Office	EZ-1	TN
<b>East</b>	Vehicle repair	M-3	TN
<b>West</b>	Vacant industrial	M-3	TN

## PREVIOUS CASES ON SITE

9-106-79- Change in zoning from M-2 and R-6 to M-3 approved in 1980.

## INTERESTED PARTY COMMENTS

Dear Ms. Williams,

Please accept comments from the Irish Hill Neighborhood Association (IHNA) regarding the Cityscape project.

First, we are happy to see the project move forward and are encouraged by the higher use of a property that is now 10 acres of impervious surface. Second, we are pleased that Cityscape has taken the time to reach out to the neighborhood in advance of filing and had participated in recent discussions with the Louisville Metro Economic Growth and Innovation regarding traffic improvements to the area. Our comments are as follows.

1. IHNA supports the rezoning from M-3 to R-8A.
2. IHNA has no issue with the request for variance on building height.
3. IHNA has no issue with the request for a waiver to permit parking near the streetscape as long as it is properly screened.
4. We object to the request for a waiver to permit encroachment into the 15' LBA. We would prefer that Cityscape reduce the building size to require fewer spaces or get a parking waiver.
5. We object to the request for a waiver to permit a greater distance between ILAs. We would suggest installing large trees in the middle of the parking lot to lessen the heat island.
6. Irish Hill is to be the recipient of MSD's second largest Consent Decree project in the form of a 15 million gallon \$52M underground storage basin, also adjacent to Beargrass Creek. IHNA encourages new and current developments and residents to make every effort to manage their own stormwater on their own property. We believe that the implementation of green infrastructure will help to limit the size of the MSD Consent Decree projects, keep stormwater from competing for space in our seven neighborhood CSOs and keep wastewater out of Beargrass Creek. We would like the project to retain 100% of their stormwater on their own property.
7. We would like MSD to review the outfalls from the biocells that are directed to Beargrass Creek. Direct piping of runoff from the property can enter the stream at high velocities, scouring the banks and depositing silt in the stream. Measures can be taken to mitigate this. See item 6.
8. We would like to request that only native species be selected for the required landscaping.
9. We did not find comments in the file from Metro Public Works. Given the location of the project on a major thoroughfare and its proximity to an intersection, we are interested in any infrastructure improvements that can be made on and around the project site, either by Cityscape or in conjunction with MPW. We also would like to request that Cityscape be open to design changes during construction should MPC and the committee associated with the Louisville Metro Economic Growth and Innovation.

IHNA believes that these directives will be enhancements to the project and be beneficial to the community and the future residents of 1373 Lexington Road. As always, thank you for your time.

Respectfully,

Lisa Santos, Co-Chair

Irish Hill Neighborhood Association

## APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code
- Irish Hill Neighborhood Plan (10/2002)
  - GOAL: Encourage the down-sizing of industrial activities and the corresponding redevelopment of industrial districts to uses more compatible with the neighborhood's residential core. A. Contact Klempner Brothers/River Metals LLC and adjacent property owners regarding long-range plans for current industrial sites along Lexington Road.. B. Facilitate "brownfields" remediation of current industrial sites, and conversion to more hospitable uses.

### Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

## STAFF ANALYSIS FOR REZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

### The site is located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

Due to the proximity of the site to Breslin Park and office and commercial uses within the area and walking distance to and from the site the site meets and exceeds many of the guidelines of the Comprehensive Plan. The preservation of Beargrass Creek and providing more than the required buffer along the creek preserves and enhances the natural feature of the site and helps treat run-off before it enters the creek. The site also follows the traditional form by having the buildings located at the front of the site with parking at the rear.

The proposed building height complements the other taller buildings in the area and contributes to the urban form. The buffers are necessary on the property due to the site being redeveloped; they would otherwise be required on the adjacent more intensely used/zoned sites.

The proposal to contributes to the traditional form by having the building within the required setback and parking to the side and rear of the structures. A 4' wall extends the buildings street wall across the frontage of the site.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The increased building height will not affect the public. The buildings located across the street exceed the maximum 45' requirement by being approximately 54' tall. The proposed structures are to be approximately 75' tall which will complement the existing tall structures across the street.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The character of the Lexington Road corridor varies from the taller distillery buildings to the smaller single family homes past the River Metals site and the adjacent car oriented businesses. The height of the structures will most complement the existing buildings across Lexington Avenue. The height and architecture of the structures will add to the character of the area by adding buildings to the street wall in the traditional pattern.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The public will not be affected by the building height due to the addition of street trees and façade treatments to the buildings.

(d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The request is reasonable because there are other tall buildings in the area. The façades of the buildings and streetscape improvements mitigate the height variance.

### **ADDITIONAL CONSIDERATIONS:**

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The variance is necessary to achieve the proposed density for the site. The site is located in a mainly industrial/office oriented area but also in the traditional form where density is supported.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The variance allows the applicant to build up instead of out. With the site constraint of Beargrass Creek framing the north, east and west property lines building up takes up less land than having lower or multiple smaller buildings.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The result of the increased building height is to add density to the area and be able to build up to avoid possible encroachments into the environmentally constrained site.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1**

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not affect adjacent property owners as the adjacent property is the more intense user. The reduction in buffer affects the subject site and its future residents more so than the existing adjacent property. The screening and buffering requirements will still be met within the buffer provided.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The site will still be compatible with the adjacent car repair business because the buffering and screening requirements will still be met.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: Since the most affected property is the subject site and the buffering requirements will still be met the waiver is the minimum for relief for the applicant.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application would deprive the applicant of strict use of the land because the buffer would otherwise need to be provided by the more intense use which in this case would be the adjacent auto repair.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2**

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The request will not affect adjacent property owners because the ILAs are within a parking lot interior to the site. The greater spacing will allow for bio-retention within larger ILAs which ultimately will benefit adjacent property and the overall health of Beargrass Creek.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The comprehensive plan will not be violated because the overall ILA requirement will be met on the site and the bio-retention areas will benefit Beargrass Creek by preventing direct pollutants from going into the creek.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: Relief in this case benefits Beargrass Creek more so than the applicant because bio-retention will prevent pollutants from entering Beargrass Creek directly.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The other design measures incorporated here are having the ILAs be larger and used for bio-retention which benefits Beargrass Creek and its environs.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3**

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not affect adjacent property owners because the minimal parking area will still be screened from the adjacent ROW by a wall.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The comprehensive plan guidelines will not be violated because the parking area will still be screened by use of a wall which is consistent with the overall development increasing the compatibility with the traditional form.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The encroachment is minimal and the applicant is providing a wall along the length of the property which makes the waiver the minimum necessary for relief. The situation arises due to the curve in Lexington Road. The other parking on the site is located behind the buildings making this area the only portion where there is minimal encroachment.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant is providing a 4' wall to screen the parking and provide a continuation of the street wall that is being created by the proposed buildings.

### **STANDARD OF REVIEW FOR DEVELOPMENT PLAN**

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The proposal preserves Beargrass Creek on the site and complements that preservation by using bio-retention within the interior landscape islands. Trees will be preserved within the stream buffer and additional plantings will be located throughout the site per Chapter 10 requirements.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Both pedestrians and vehicle users are provided for by the use of driveways and sidewalks throughout the site. Two of the structures are located along the street which allows for pedestrian access to and from the apartments and connects the site to the transit available along Lexington Avenue.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The site is preserving the creek within the required stream buffer but Breslin Park is also located near the site which can be utilized as open space for the site.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: MSD has preliminarily approved the proposal.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The proposal follows the traditional form which would aid in future developments following in the same pattern. The area is mainly industrial/office. The proposal adds density to this mixed area which has the potential to bring in commercial uses or other densities.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal complies with the comprehensive plan, more specifically the form district component and meets the requirements of the Land Development Code. The waivers and variances have been adequately mitigated and justified.

## **TECHNICAL REVIEW**

All agency review comments have been addressed.

## **STAFF CONCLUSIONS**

Due to the proximity of the site to Breslin Park and office and commercial uses within the area and walking distance to and from the site the site meets and exceeds many of the guidelines of the Comprehensive Plan. The preservation of Beargrass Creek and providing more than the required buffer along the creek preserves and enhances the natural feature of the site and helps treat run-off before it enters the creek. The site also follows the traditional form by having the buildings located at the front of the site with parking at the rear.

The proposed building height complements the other taller buildings in the area and contributes to the urban form. The buffers are necessary on the property due to the site being redeveloped; they would otherwise be required on the adjacent more intensely used/zoned sites.

The proposal to contributes to the traditional form by having the building within the required setback and parking to the side and rear of the structures. A 4' wall extends the buildings street wall across the frontage of the site.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

### NOTIFICATION

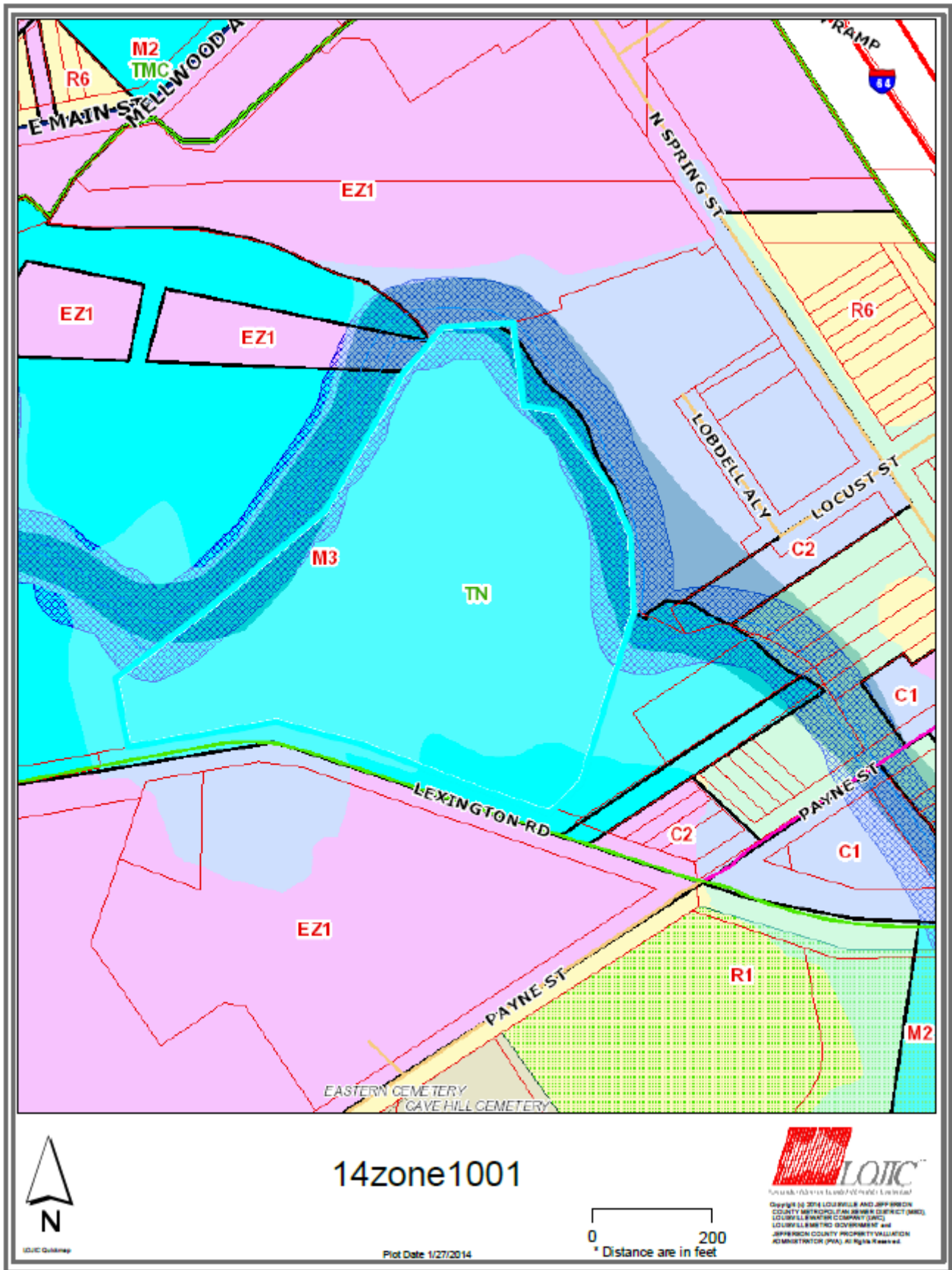
Date	Purpose of Notice	Recipients
4/10/14	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
5/14/14	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
5/14/14	Hearing before PC	Sign Posting on property
5/14/14	Hearing before PC	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Site Inspection Report
5. Existing Binding Elements
6. Proposed Binding Elements
7. Applicant's Justification Statement and Proposed Findings of Fact
8. Applicant's Waiver and Variance Justifications



Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



### Attachment 3: Cornerstone 2020 Checklist

- + Exceeds Guideline
- Does not meet Guideline
- √ Meets Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	√	The proposal will not affect the existing street and sidewalk pattern.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses.	√	The lot pattern is existing and will not be changed due to the proposal. The proposal for high density residential will be integrated into an existing industrial area with mainly office and commercial type uses.
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	+	The proposal preserved Beargrass Creek in its current location which could be considered a public open space. The proposal is for high density and is also located less than 1000 feet from Breslin park.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	√	The proposal is for the demolition of some non-distinct industrial buildings.
5	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Traditional Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	√	The proposal is part of an existing activity center that has been created by existing office and commercial uses within the corridor.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposal is for residential.
7	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	√	The density proposed for the site indicates a compact development. Since the previous zoning and use was industrial, the proposal will be an efficient use of infrastructure.
8	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	√	While the proposal is for one high density use there are other compatible uses, such as the office and commercial, in the area that would reduce traffic and encourage a sense of place.
9	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	√	The proposed residential zoning is located within a commercial and office center that has been created along this portion of the Lexington Road corridor. The proposal is multi story residential.
10	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	√	The proposal is for new residential development.
11	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Traditional Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	√	The proposal while not a center in itself but will be part of an existing center will add residential to a mainly non-residential area.



#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
12	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal is for residential.
13	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	√	The proposals development is compact focusing the structures to the street and away from the natural features of the site (Beargrass Creek). There are courtyards within the development to which the buildings are constructed around.
14	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	√	The proposal provides two entrances/exits to the site and does not connect to the adjacent properties due to the non-residential and industrial nature of the adjacent properties.
15	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	√	No new utility easements are proposed.
16	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	√	Parking is located behind the proposed structures giving focus to pedestrians and aesthetics.
17	Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	√	The proposal is designed for easy access by all forms of transportation as there are existing sidewalks and transit available in the area.
18	Form Districts Goals C1-C4, Objectives C1.1- 1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	√	The site design fits the traditional form which is consistent with existing structures in the area. The foot print of the proposed structures is similar to the existing footprint of the industrial buildings to be removed from the lot. The building height is similar to that of the existing buildings across Lexington.
19	Form Districts Goals C1-C4, Objectives C1.1- 1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	√	The building materials will be similar to the existing materials found in the area and will also be complimentary to the existing materials.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	√	There is no residential adjacent to the site. A new density is being proposed for the area and overall neighborhood. Introducing high density to the area is compatible with the surrounding land uses because the adjacent land uses are mainly office and commercial. There is existing vacant M-3 adjacent to the site but due to Beargrass Creek dividing the properties significant buffering exists between the zoning districts.
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Traffic will not be adversely affected.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	Lighting will meet LDC requirements.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	√	The proposal is for one housing type that is not evident in the neighborhood but can be found in other traditional neighborhoods.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal is a high density zoning district located along a transit corridor and along an existing activity center.
25	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	√	No identified user has been indicated for the proposal but the housing is located close to some shopping facilities. The site is located along a transit route that serves the malls in St. Mathews and the medical facilities located downtown.
26	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	NA	There is no residential adjacent to the site.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
27	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	Beargrass Creek provides a buffer for much of the site where it is adjacent to existing M-3 and EZ-1 zoning including the railroad. Existing trees are providing the buffer along most of the property lines as well as the creek. Where there are encroachments into the proposed buffers screening is being provided.
28	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	Buffers are being provided to screen the adjacent uses from the proposed use. Screening and landscaping will be provided or existing materials will be used to meet the buffer requirements.
29	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The setbacks meet the form district standards and the lot size is similar to that of other repurposed industrial sites in the area. The building heights are similar to the other building heights across the street.
30	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	√	The open areas created around Beargrass Creek help meet the needs of the community. The open areas adjacent to the creek will help treat some of the sites run-off before entering the creek.
31	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District.	√	The open areas created around Beargrass Creek are consistent with some of the areas within the traditional form district as it relates to the creek. Some of the creek has been channelized where there is no buffer or natural area adjacent to it.
32	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The proposal integrates the creek into the development by keeping it at the perimeter of the site and utilizes the location of the creek as a buffer against the adjacent higher intensity zoning districts.
33	Livability Goals E1-E4, all related Objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	√	The proposal integrates the creek into the development by keeping it at the perimeter of the site and utilizes the location of the creek as a buffer against the adjacent higher intensity zoning districts.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
34	Livability Goals E1-E4, G1, all related Objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	The site is not recognized as having any historical value.
35	Livability Goals E1-E4, all related Objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	√	Soils are not an issue with the proposal.
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	Transportation Planning is not requiring any road improvements.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal is not providing access to the surrounding land uses as the existing zoning around the site is higher intensity than the proposal.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	Right of way dedication is included in the proposal.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	√	No new roads are required. The site is surrounded on most sides by Beargrass Creek and higher intense uses in which access would be inappropriate for the proposal.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	By the site not providing access to the adjacent properties access to those properties will be from Lexington Road and not through a lower intensity zoning district which would be a nuisance to the high density proposed zoning district.



#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	No new roadways are being created.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	Pedestrians and transit users are being provided for with sidewalks throughout the site. Bicycles will utilize the same roadway as other vehicles.
43	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has preliminarily approved the proposal.
44	Livability, Goals F1 and F2, all related objectives	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	√	The natural areas on the site are being preserved which would allow for habitats and migration.
45	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing utilities will serve the site.
46	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	An adequate water supply exists for the proposal.
47	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	Sewage treatment is provided.

## Site Inspection Committee Report

**Date:** 5/16/14

**Case Number:** 14ZONE1001

**Project:** Lexington Rd rezoning

**Address:** 1373 Lexington Rd

**Attendees:** Jeff Brown

### **Observations:**

#### **Describe subject property**

- Former industrial site that includes large gravel parking area and warehouse. Within the Irish Hill neighborhood and abutting Beargrass Creek.

#### **Describe surrounding area**

- To the north is Beargrass Creek.
- To the south is Distillery Commons, a new repurposed warehouse for mixed uses and Headliners, an entertainment venue.
- To the west is vacant land and single family residential.
- To the east is an auto service center and car sales.

#### **Questions/ Concerns:**

- Sidewalks along the site frontage will need to be improved.
- Accommodations for multi-modal travel will need to be considered based on the number of units and proximity to employment, retail and recreational facilities in the area.
- Brownfield and Beargrass Creek protection.
- Coordination with future road projects.
- Parking may be an issue because of some of the other uses in the area.

Attachment 5: Existing Binding Elements

BINDING ELEMENTS

1. The developer shall obtain a Conditional Use Permit to allow the operation of a scrap metal facility on the subject property. If such a permit is not obtained the property may not be used in any manner for M-3 uses until a revised district development plan is approved by the Planning Commission.
2. Any alterations to the existing structures shall be in conformance with Section 3A of the Zoning District Regulations.
3. The use of this property will be limited to uses permitted in the M-2 Industrial district and the operation of a scrap metal and scrap metal reduction or similar operations as permitted in the M-3 Industrial district.
4. No development will occur on the tract zoned M-2 Industrial which is located northeast of Beargrass Creek and owned by the applicant until a district development plan is approved by the Planning Commission.
5. There will be no further development of the property until a detailed district development plan has been reviewed and approved by the Planning Commission.
6. Scrap metals and materials and material handling equipment may be located on the area of the subject property identified on the approved district development plan as a "Storage Area." Scrap metals and materials may be stacked to a maximum height of 16 feet, and may not be located on any other portion of the site without prior approval of the Planning Commission. *KLEMPNER B,  
1571 LEXINGTON,  
LOUISVILLE KY. 4*
7. The size and location of any advertising sign will be submitted for review and approval by the Planning Commission prior to the issuance of any sign permits.
8. The plan must be reapproved by the Water Management Section of the Jefferson County Public Works Department, the City of Louisville Department of Public Works and the Department of Traffic Engineering prior to occupancy for the proposed use.
9. Unless use in accordance with the approved plan and binding elements have been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may *NOTE: No new building construction within 30 feet of Beargrass Creek* not be used in any manner until such time as a district development plan has been approved by the Planning Commission.

## Attachment 6: Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 350,000 square feet of gross floor area.
3. No pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 29, 2014 Planning Commission meeting.

**ZONING JUSTIFICATION STATEMENT**

**CHANGE IN ZONING FROM M-3 INDUSTRIAL  
TO R-8A MULTI-FAMILY RESIDENTIAL  
AXIS APARTMENTS  
1373 LEXINGTON ROAD  
14ZONE1001**

**March 10, 2014**

A change in zoning from M-3 Industrial to R-8A Multi-Family Residential is requested to permit the applicant, Cityscape Residential, to develop an upscale apartment community on the property located at 1373 Lexington Road in the Irish Hill Neighborhood. The proposed development consists of three five-story buildings with parking provided under one of the buildings and on the surface. Beargrass Creek, which bounds a significant portion of the property along the east, north, and west, will be preserved in its current location and buffered in accordance with all applicable requirements. For the reasons stated herein, the proposed change in zoning complies with the Cornerstone 2020 Comprehensive Plan ("Cornerstone 2020") and, therefore, should be approved.

**GUIDELINE 1  
COMMUNITY FORM**

The subject property is located within the Traditional Neighborhood Form District. Guideline 1.B.2 defines a Traditional Neighborhood Form District as one that is comprised predominantly of residential uses with a grid pattern of streets with sidewalks. Residential lots are predominantly narrow and deep, but the neighborhood may contain sections of larger estate lots as well as sections of lots which appropriately integrate higher density residential uses. It is encouraged for the higher density uses to be located in centers or near parks and open spaces.

The proposed rezoning complies with Guideline 1 of Cornerstone 2020 because it will enable an old industrial site to be redeveloped into an upscale multi-family residential community that is a more appropriate use in the Traditional Neighborhood Form District. The existing sidewalk and street pattern will be preserved, and streetscape improvements are proposed along the Lexington Road frontage to enhance the pedestrian experience. The proposed site design is consistent with the traditional pattern of development, with buildings located along the Lexington Road frontage and parking located primarily to the sides and rear of the buildings. The proposed development is located within an existing activity center along Lexington Road, a minor arterial, immediately adjacent to commercial uses at the intersection of Payne Street, a primary collector, and just across the street from Headliners Music Hall and Distillery Commons. The subject property is also located in very close proximity to Breslin Park, a public park just east of the site at the intersection of Lexington Road and Payne Street. For

the foregoing reasons, the proposed change in zoning complies with Guideline 1 of Cornerstone 2020.

## **GUIDELINE 2 CENTERS**

Guideline 2 of Cornerstone 2020 encourages the mixed use of land around compact activity centers that are existing, proposed or planned. As stated above, the proposed development is located within an existing activity center that contains a mixture of residential, commercial, and office uses. The proposed change in zoning will allow for the conversion of an old blighted industrial site into a multi-family residential development, which will help to stabilize the neighborhood and add to the diverse mixture of uses in the Irish Hill neighborhood. In addition, the proposed rezoning will provide a unique housing type and building style that does not currently exist in the neighborhood, which is compatible with a traditional pattern of development and will accommodate a variety of people.

The proposed development will incorporate streetscape amenities, landscaping, pedestrian connections, and adequate on-site parking. The developer is committed to a high-quality architectural design for the proposed buildings. The buildings will be articulated to provide visual interest and will include brick and glass materials, transparent doorways and entry areas, and other animating features. A development of this type will encourage vitality and a sense of place within the Irish Hill neighborhood. The site is located along a transit corridor in close proximity to downtown, sidewalks will be provided along the Lexington Road frontage, and bicycle parking will be provided in the development. Therefore, the proposed development will be easily accessible by all modes of transportation and, as a result, will aid in reducing commuting time and transportation-related air pollution.

The proposal represents a compact pattern of development resulting in efficient land use and cost-effective infrastructure because the subject property is located within the urban core. In addition, the site design focuses the buildings to the street and away from the natural features of the site, with the majority of parking behind the proposed structures, which in turn gives greater attention to the buildings and streetscape. Finally, the proposed development incorporates focal points around the site, including a pool, rain gardens, and open space areas around Beargrass Creek. For all of the aforementioned reasons, the proposed change in zoning complies with Guideline 2 of Cornerstone 2020.

## **GUIDELINE 3 COMPATIBILITY**

The subject property is located in an area that consists of a mixture of industrial, commercial, office, and residential uses. The subject property is bounded by Beargrass Creek along the majority of the west, north, and east property lines. The properties to the east and west of the site are zoned M-3 Industrial, and further to the east are M-2 and C-2 zoned properties. Directly across Lexington Road from the site is the Distillery Commons complex and

Headliners Music Hall, both zoned EZ-1. The proposed residential development is compatible with the scale and site design of development in the surrounding area, including Distillery Commons, and with the pattern of development of the Traditional Neighborhood Form District. Furthermore, the vegetation along Beargrass Creek provides a buffer where the site adjoins the higher intensity M-3 and EZ-1 zoned properties.

The proposed buildings will incorporate architectural design features compatible with the character of the surrounding neighborhood. The buildings are proposed to be oriented towards the street frontage with setbacks that meet the form district standards. The proposed development will also contain sufficient parking on-site to serve the needs of the residents of the development and their guests. Parking areas are located to the sides and rear of the buildings in accordance with the traditional pattern of development. The two access points on Lexington Road are designed and located to be safe and convenient for motorists and pedestrians, and will not negatively impact nearby properties. Trees and other landscaping will be provided along the Lexington Road frontage and throughout the site to break up parking areas and enhance the aesthetic character of the development. In addition, outdoor lighting and signage will comply with Land Development Code requirements and will not negatively affect nearby residential properties.

The proposed residential development is appropriately located on a transit corridor. Sidewalks and internal pedestrian connections are provided to ensure the development is highly accessible by all modes of transportation. The stormwater detention design is required to receive approval from MSD prior to construction of the proposed development, and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development. For the aforementioned reasons, the proposed development complies with Guideline 3 of Cornerstone 2020.

**GUIDELINE 4  
OPEN SPACE**

Guideline 4 of Cornerstone 2020 is intended to promote the creation of well-designed, permanently protected open spaces that meet community needs. Although the development is not required to provide open space on site because the site's proximity to Breslin Park, large areas of open space are provided along Beargrass Creek, and as well as throughout the development. The open spaces around Beargrass Creek will serve as a natural buffer against the adjacent higher density zoning districts and will help treat some of the site's run-off before entering the creek. Further, green infrastructure measures will be incorporated into the site development, including rain gardens and bio-cells, which will provide additional water quality benefits and reduce the volume and flow of stormwater runoff. For the foregoing reasons, the proposed development satisfies Guideline 4 of Cornerstone 2020.

**GUIDELINE 5  
NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES**

Guideline 5 of Cornerstone 2020 is intended to help ensure new developments protect the natural areas and features of important scenic and historic resources. The proposed development respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and, minimizes land disturbance and environmental degradation. The proposed development will preserve the required stream buffer along Beargrass Creek, and will integrate bio-cells which will provide additional water quality and stormwater drainage benefits. The subject site is located in the 100-year floodplain, therefore, the buildings will be constructed on podiums to ensure there are no negative impacts to the watershed and its capacity to carry stormwater. The subject property contains no other environmental constraints, scenic, historic, or cultural resources that would inhibit the proposed development. Accordingly, the proposed development meets Guideline 5 of Cornerstone 2020.

**GUIDELINE 6  
ECONOMIC GROWTH AND SUSTAINABILITY**

The subject property is located within an existing activity center along Lexington Road near the intersection of Payne Street. The proposed development represents a significant investment in the redevelopment and rehabilitation of a long vacant blighted industrial site in a manner that is consistent with the Traditional Neighborhood Form District. Therefore, the proposed development complies with Guideline 6 of Cornerstone 2020.

**GUIDELINES 7, 8 AND 9  
CIRCULATION, TRANSPORTATION FACILITY DESIGN, AND BICYCLE, PEDESTRIAN, AND TRANSIT**

The subject site is located on Lexington Road, a minor arterial, near the intersection of Payne Street, a primary collector to the north and local road to the south. As a result, the surrounding roadways have adequate carrying capacity for the traffic that will be generated by development. Additional right-of-way will be dedicated along Lexington Road to accommodate future improvements. The two entrances to the development are designed to ensure the safe and efficient movement of pedestrians and vehicles without causing a nuisance to adjacent property owners. Sufficient vehicle parking spaces, including handicapped spaces required by the ADA, are provided on site. Parking is located primarily to the sides and rear of buildings in conformance with Traditional Form District standards. Bicycle parking will be provided on site in accordance with the Land Development Code. The sidewalks along the Lexington Road frontage will be improved and pedestrian connections will be provided from the public sidewalk to the proposed development. In addition, the subject property is located along a TARC route, ensuring an adequate level of public transit service. Accordingly, the proposal accommodates all modes of transportation by providing for the movement of pedestrians, bicyclists, vehicles and transit users to, from, and through the development. Being located in an activity center on a minor arterial roadway in close proximity to neighborhoods and downtown Louisville, with



adequate pedestrian, bicycle, and transit service, the subject site is located where transportation infrastructure exists to ensure the safe and efficient movement of people and goods. For the foregoing reasons, the proposal complies with Guidelines 7, 8 and 9 of Cornerstone 2020.

**GUIDELINES 10 AND 11  
FLOODING, STORMWATER AND WATER QUALITY**

The subject site is located in the 100-year floodplain, therefore, the buildings will be constructed on podiums to ensure there are no negative impacts to the watershed and its capacity to carry stormwater. The proposed development is located on a site that will enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties. Beargrass Creek will be maintained in its current location and buffered in accordance with Land Development Code requirements. The large open space areas around Beargrass Creek, as well as the green infrastructure measures that will be incorporated into the development, will provide water quality benefits by treating stormwater runoff before it enters the creek. Currently, the site is nearly 100% impervious. The addition of landscape islands, bio-cells and other open space significantly improves stormwater maintenance on the site. Further, the proposed development minimizes impervious area by providing parking under the buildings. Finally, an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the Metropolitan Sewer District. Accordingly, the proposed development complies with Guidelines 10 and 11 of Cornerstone 2020.

**GUIDELINE 12  
AIR QUALITY**

The proposed development complies with Guideline 12 of Cornerstone 2020 because the proposal represents an efficient land use pattern and utilizes current traffic patterns. Because the site is located along a TARC route, the proposed development will promote a reduction in commuting time, which in turn will help reduce transportation-related air pollution. Lastly, the proposed development will promote bicycle transportation due to its proximity to the Central Business District, Beargrass Creek Parkway and other surrounding neighborhoods. Based upon the foregoing, the proposed development satisfies Guideline 12 of Cornerstone 2020.

**GUIDELINE 13  
LANDSCAPE CHARACTER**

Guideline 13 of Cornerstone 2020 is intended to protect and link urban woodland fragments in conjunction with greenways planning, promote tree canopy as a resource, enhance visual quality, and buffer incompatible land uses. The proposed rezoning complies with Guideline 13 because tree canopy will be provided in accordance with the Land Development Code. The vegetative buffer that will be preserved along Beargrass Creek will not

only serve to buffer the proposed development from surrounding properties, but will also preserve a natural greenway corridor that can provide habitat areas and allow for wildlife migration. In addition, native plant species will be utilized in the landscape design, street trees will be planted along Lexington Road to enhance the streetscape, and significant interior landscaping will be installed throughout the site and in the vehicular use areas, which will enhance the buildings, break up the parking areas, and enhance the overall visual quality of the development. Finally, outdoor signage and lighting will comply with the Land Development Code and will be compatible with the surrounding area.

#### **GUIDELINES 14 AND 15 INFRASTRUCTURE AND COMMUNITY FACILITIES**

The proposed development complies with Guidelines 14 and 15 of Cornerstone 2020 because the subject property is served by existing infrastructure and all necessary utilities, including water, electricity, telephone and cable. To the extent possible, utilities will be located within common easements and trenches. The development also has an adequate supply of potable water and water for fire-fighting purposes and is served by the Louisville Fire Department.

#### **COMPLIANCE WITH KRS 100.213**

In addition to compliance with all applicable guidelines of the Cornerstone 2020 Comprehensive Plan, the proposed development complies with KRS 100.213 in as much as the existing M-3 Industrial zoning classification is not appropriate while the proposed R-8A Multi-Family Residential zoning is appropriate. The property is located in the Traditional Neighborhood Form District, which is intended for predominantly residential uses, as well as some neighborhood-serving commercial and office uses, and not for industrial uses. Therefore, the proposed rezoning to R-8A Multi-Family Residential to allow this old industrial site to be redeveloped into an apartment community is appropriate on this property.

**VARIANCE JUSTIFICATION STATEMENT**

**[BUILDING HEIGHT]**

**AXIS APARTMENTS  
1373 LEXINGTON ROAD  
14ZONE1001**

**March 10, 2014**

The applicant, Cityscape Residential, is requesting a change in zoning from M-3 Industrial to R-8A Multi-Family Residential to develop an upscale apartment community on the property located at 1373 Lexington Road in the Irish Hill Neighborhood. In conjunction with the rezoning request, the applicant is also requesting a variance of Section 5.2.2.C. – Table 5.2.2. of the Land Development Code to permit the proposed buildings to be 75 feet in height. For the reasons stated herein, the requested variance meets the criteria for granting variances in KRS 100.243 and, therefore, should be approved.

The subject property is located in the Traditional Neighborhood Form District, which limits buildings to three stories or 45 feet in height. The subject property is within an existing activity center along Lexington Road, with commercial properties to the east and south, and industrially-zoned properties to the west and north. The site is buffered from the majority of the surrounding properties by Beargrass Creek, which runs along a significant portion of the property. The proposed building height is consistent with buildings along Lexington Road, including the Distillery Commons complex directly across the street, which is 57 feet in height. This site was historically part of the National Distillers and Chemical Company (now Distillery Commons) development which included buildings as tall as 100 feet. There are no residential properties surrounding the subject site however neighborhoods to the far south sit approximately 30 feet above grade elevationally from this location due to natural topographic features. The proposed development is compatible with the surrounding developments and the Traditional Neighborhood pattern of development. The proposed building will incorporate site design and architectural quality compatible with the character of the surrounding area, which blends the existing industrial character of the area with the more traditional architecture found in and around the Irish Hill neighborhood. The buildings will be constructed using a mixture of materials, including brick and glass, and will incorporate architectural features including windows and entryways consistent with traditional development in an urban setting. The building façades will be articulated to create an interesting streetscape, and the sidewalks will be improved along Lexington Road as shown on the development plan. Open space is provided within the development in excess of Land Development Code requirements and street trees and interior landscaping will be provided to enhance the visual quality of the development. Therefore, the granting of the requested variances will not adversely affect public health, safety or welfare, and will not alter the essential character of the area.

The requested variance will not cause a hazard or nuisance to the public because the buildings are designed to be consistent with the pattern of development in the general vicinity, including other repurposed industrial sites in the area, and will incorporate architectural features that will complement the character of the neighborhood. In addition, the proposed development represents a significant investment in the redevelopment of a vacant blighted industrial site. The proposed development will be compatible with the surrounding area and will not cause any adverse impact to surrounding properties. By allowing additional building height, the applicant will be able to achieve the density needed to make the project financially feasible while minimizing site disturbance and impervious area. Accordingly, granting the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Special circumstances exist that do not apply to land in the general vicinity or in the same zone because the subject property is located almost entirely within the 100-year floodplain. In order to comply with the Floodplain Management Ordinance, the buildings must be elevated, which results in additional building height. The applicant is not responsible for these site conditions, and therefore, the circumstances giving rise to the variance are not the result of actions taken by the applicant subsequent to the adoption of the regulations from which relief is sought.

If the requested variance is not granted, the applicant will be unable to develop the land in a manner consistent with properties in the surrounding area. A substantial number of dwelling units would be lost, making the project financially infeasible. In addition, by adding a story to the building height and providing parking under the buildings, the applicant is able to minimize impervious area and provide a greater stream buffer along Beargrass Creek than required by the Land Development Code. Accordingly, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship.

**Waiver Justifications:  
Waivers 1 and 2**

**LANDSCAPE WAIVER JUSTIFICATION STATEMENT**

**AXIS APARTMENTS  
1373 LEXINGTON ROAD  
14ZONE1001**

**March 24, 2014**

The applicant, Cityscape Residential, is requesting a change in zoning from M-3 Industrial to R-8A Multi-Family Residential to develop an upscale apartment community on the property located at 1373 Lexington Road in the Irish Hill Neighborhood. In conjunction with the rezoning request, the applicant is also requesting the following waivers of Chapter 10, Part 2 of the Land Development Code ("LDC"): (1) a waiver of Section 10.2.4 to reduce the 15-foot landscape buffer area ("LBA") to 7 feet along the east property line, and (2) a waiver of Section 10.2.12 to waive the maximum 120-foot distance between interior landscape areas ("ILA") in two locations on the subject property. For the reasons stated herein, the requested waivers comply with the Cornerstone 2020 Comprehensive Plan and the criteria for granting waivers and, therefore, should be approved.

The requested waiver along the east property line will not adversely affect adjacent property owners because the property adjacent to where the landscape waiver is requested is zoned M-3 Industrial and contains a commercial use. Although a reduction in the buffer width is requested, the required landscape plantings will be installed within the buffer area and an 8-foot solid fence will be constructed along the east property line to screen the adjacent commercial site from the proposed residential development. Furthermore, the proposed development significantly exceeds the LDC's buffer requirements around the perimeter of the site where the site adjoins Beargrass Creek. In addition, the surrounding properties are developed in a traditional urban pattern with minimal or no setbacks or LBAs. Therefore, the requested waiver will not adversely affect adjacent property owners.

The requested waiver to exceed the maximum distance between ILAs will not adversely affect adjoining property owners because the location of the ILAs are located within the center of the proposed development and are not located along any property lines. In addition, the proposed development design combines multiple smaller ILAs into larger ILAs that will serve as bio-retention cells, which are design features in excess of the ILA requirements of the LDC. These cells will help remove contaminants and sedimentation from stormwater runoff by collecting and filtering the water from the impervious vehicular use area. These larger ILAs will also serve to satisfy the intent of the LDC's landscape design requirements by improving the appearance of the vehicular use area, decreasing the stormwater runoff volume and velocity and helping filter any air borne and water borne pollutants. An added benefit of the larger ILA design, is that residents will have greater mobility for vehicular maneuvering and parking. Consequently, due to the reasons stated herein, the requested waiver will not adversely affect adjacent property owners.

As more fully set forth in the justification statement submitted with the proposed change in zoning, the requested waivers comply with the Cornerstone 2020 Comprehensive Plan. The proposed use is consistent with the Traditional Neighborhood Form District in that it converts an old industrial site into a multi-family residential development, which will help to stabilize the Irish Hill neighborhood and add to its diverse mixture of uses. In addition, the proposed rezoning will provide a unique housing type and building style that does not currently exist in the neighborhood. Furthermore, the site is located along a transit corridor in close proximity to downtown, sidewalks will be provided along the Lexington Road frontage, and bicycle parking will be provided in the development. Therefore, the proposed development will be easily accessible by all modes of transportation and, as a result, will aid in reducing commuting time and transportation-related air pollution. Outdoor lighting and signage will comply with the LDC requirements. Finally, the subject site is bounded by higher intensity M-3 and EZ-1 zoned properties. Therefore, the proposed development will create no adverse traffic, noise, lighting, or other impacts to surrounding properties. For all of the foregoing reasons, the requested waiver will not violate the Cornerstone 2020 Comprehensive Plan.

The requested waivers are the minimum necessary to afford relief to the applicant because the proposed development is a redevelopment of an old industrial site, which contains no existing interior landscaping. The applicant is providing the required amount of interior landscape area, but is combining the planting areas in two areas in lieu of meeting the spacing requirement in order to create larger than usual planting beds to promote better tree health. In addition, the site is an irregularly-shaped parcel that is bounded by Beargrass Creek along the east, north, and west property lines. The applicant is meeting or exceeding the perimeter buffer requirement along Beargrass Creek and is requesting a waiver only along a portion of the east property line where the site adjoins M-3 zoned property. In order to develop the site as proposed while providing sufficient parking, appropriate access, and greater mobility for vehicular maneuvering, the requested landscape waivers are required.

The applicant is incorporating other design measures that exceed the minimums of the district and compensate for noncompliance with the regulations by providing large areas of open space along Beargrass Creek, and larger than required ILAs that are designed as bio-retention cells to help reduce and filter any stormwater runoff created by the vehicular use area each ILA is located in. Furthermore, Beargrass Creek will be maintained in its current location and buffered in accordance with the LDC requirements. The open spaces around Beargrass Creek will serve as a natural buffer against the adjacent higher density zoning districts and will help treat some of the site's run-off before entering the creek. Lastly, in addition to the two aforementioned bio-retention cells, the applicant is adding a third bio-retention cell in the northern most vehicular use area to help improve water quality, and enhance the overall aesthetic appearance of the site.

For the foregoing reasons, the applicant respectfully requests approval of a waiver of Section 10.2.4 of the LDC to reduce the required LBA along the east property line from 15 feet to 7 feet and a waiver of Section 10.2.12 of the LDC to permit more than 120 feet between the two ILA's located within the center of the proposed development.

**REVISED LDC WAIVER JUSTIFICATION STATEMENT**

**AXIS APARTMENTS**  
**1373 LEXINGTON ROAD**  
**14ZONE1001**

May 1, 2014

RECEIVE  
MAY 02 2014  
PLANNING &  
DESIGN SERVIC

The applicant, Cityscape Residential, is requesting a change in zoning from M-3 Industrial to R-8A Multi-Family Residential to develop an upscale apartment community on the property located at 1373 Lexington Road in the Irish Hill Neighborhood. In conjunction with the rezoning request, the applicant is also requesting a waiver of Section 5.4.1.G.1.b. of the Land Development Code ("LDC") to allow a small area of parking adjacent to the westernmost building to be located slightly closer to the right-of-way than the front façade of the building. The planned development is within the Traditional Neighborhood Form District. Multi-family residential lots in a non-infill context in traditional form districts that do not maintain the four areas of traditional neighborhood site design standards are required to meet the design criteria set forth in LDC Section 5.4.1.G.1. Subparagraph b of this section requires parking to be located in the rear of the lot, take access from the alley if there is an alley, and be screened from the street by a building or street wall.

The proposed development consists of two buildings fronting on Lexington Road and one building in the rear (north) of the lot, with parking areas between the buildings, to the rear and sides of the two buildings along Lexington. Although a majority of the parking spaces are located behind the front two buildings, a waiver is required because a small portion of the parking located to the side of the westernmost proposed building extends slightly in front of the front façade of the building. For the reasons stated herein, the requested waiver complies with the Cornerstone 2020 Comprehensive Plan and the criteria for granting waivers and, therefore, should be approved.

The requested waiver will not adversely affect adjacent property owners because the surrounding properties are zoned M-3 Industrial and contain either industrial or commercial uses. The proposed development includes an 8-foot solid fence along the east property line to screen the adjacent commercial site from the proposed residential development and has Beargrass Creek along the north and west property lines, which provides for a natural buffer between the subject property and those adjoining properties. Further, the applicant will construct a 4' masonry wall to the west and east of the two front buildings along Lexington Road in order to screen the parking spaces that are adjacent to Lexington Road and maintain the streetscape. As a result, the fact that a parking area is located slightly in front of the westernmost building will not impact the Lexington Road streetscape. The proposed development is designed to satisfy the overall intent of the Traditional Neighborhood Form

District design pattern as best as possible given the unique characteristics of the subject property.

As more fully set forth in the justification statement submitted with the proposed change in zoning, the requested waiver complies with the Cornerstone 2020 Comprehensive Plan. The proposed use is consistent with the Traditional Neighborhood Form District in that it converts an old industrial site into a multi-family residential development, which will help to stabilize the Irish Hill neighborhood and add to its diverse mixture of uses. Furthermore, the proposed development is appropriately located in close proximity to Breslin Park (within 1000 feet), a public park, and along a transit corridor in close proximity to downtown. In addition, sidewalks will be provided along the Lexington Road frontage, and bicycle parking will be provided in the development. As a result, the proposed development will be easily accessible by all modes of transportation and will aid in reducing commuting time and transportation-related air pollution. Outdoor lighting and signage will comply with the LDC requirements. Finally, the proposed development is planned to adhere to the traditional form design pattern by locating its primary buildings at the front property line to ensure that a significant portion of the frontage will be occupied by structures. In addition, and as stated above, the applicant will construct a 4' masonry wall to the west and east of the two front buildings along Lexington Road in order to maintain the streetscape and satisfy the overall intent of the Traditional Form Design pattern. For all of the foregoing reasons, the requested waiver will not violate the Cornerstone 2020 Comprehensive Plan.

The requested waiver is the minimum necessary to afford relief to the applicant because, with the exception of the requested design waiver, the proposed development meets all other site design requirements of the Traditional Neighborhood Form District. The applicant's effort to provide a significant along Beargrass Creek limits the amount of developable area, particularly in the southwestern corner of the site where the waiver is requested. The constraints presented by Beargrass Creek, coupled with the fact that Lexington Road starts to curve in this area along the frontage, increases the difficulty of meeting the technical requirement of the regulation. The parking area in question extends only approximately 10 feet in front of the front façade of the westernmost building, and will be screened with a 4-foot wall and 10-foot landscape buffer area. Therefore, the proposed development complies with the spirit and intent of the regulations.

The applicant is incorporating other design measures that exceed the minimums of the district and compensate for noncompliance with the regulations by preserving the existing sidewalk and street pattern and proposing streetscape improvements along the Lexington Road frontage to enhance the pedestrian experience. The proposed site design is consistent with the traditional pattern of development, with two of the three buildings located along the Lexington Road frontage and parking located to the sides and rear of these buildings. The proposal represents a compact pattern of development resulting in efficient land use and cost-effective infrastructure because the subject property is located within the urban core. In addition, the site design focuses the buildings to the street and away from the natural features of the site and locates a majority of parking behind the proposed structures, giving greater attention to



the buildings and streetscape. The proposed development incorporates focal points around the site, including a pool, rain gardens, large areas of open space along Beargrass Creek, and larger than required interior landscape areas that are designed as bio-retention cells to help reduce and filter any stormwater runoff created by the vehicular use area each ILA is located in. Furthermore, Beargrass Creek will be maintained in its current location and buffered in accordance with the LDC requirements. The open spaces around Beargrass Creek will serve as a natural buffer against the adjacent higher density zoning districts and will help treat some of the site's run-off before entering the creek. Lastly, in addition to the two aforementioned bio-retention cells, the applicant is adding a third bio-retention cell in the northern most vehicular use area to help improve water quality, and enhance the overall aesthetic appearance of the site.

Special circumstances exist that do not apply to other properties in the Traditional Neighborhood Form District in that the property is an odd-shaped parcel and is bounded by Beargrass Creek. Due to these special circumstances, the requested waiver is needed to develop the site as proposed while providing sufficient parking, appropriate access and mobility for vehicular maneuvering. If the requested waiver is not granted, the applicant will be required to redesign the site and will be unable to provide the minimum number of units necessary to make the project financially feasible. Accordingly, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant.

For the foregoing reasons, the applicant respectfully requests approval of a waiver of Section 5.4.1.G.1.b. of the LDC to allow parking to be located along the front-side of the westernmost building on the subject property.