



## **Axis Apartments**

**Change in Zoning from M-3 Industrial to R-8A Multi-Family Residential,  
Height Variance, and Waivers  
Case No. 14ZONE1001**

**APPLICANT'S EXHIBIT BOOKLET  
Public Hearing Date: May 29, 2014**

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3. LOJIC Aerial Photograph
4. Photographs of Subject Property and Surrounding Area
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6. Color Development Plan
7. Development Plan on Aerial Photograph
8. Proposed Building Elevations
9. Interior Finishes and Community Amenities
10. Proposed Findings of Fact for Change in Zoning, Height Variance, and Waivers

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503 Washburn Avenue, Suite 101  
Louisville, KY 40222

## Company Overview





Multifamily Development Experts

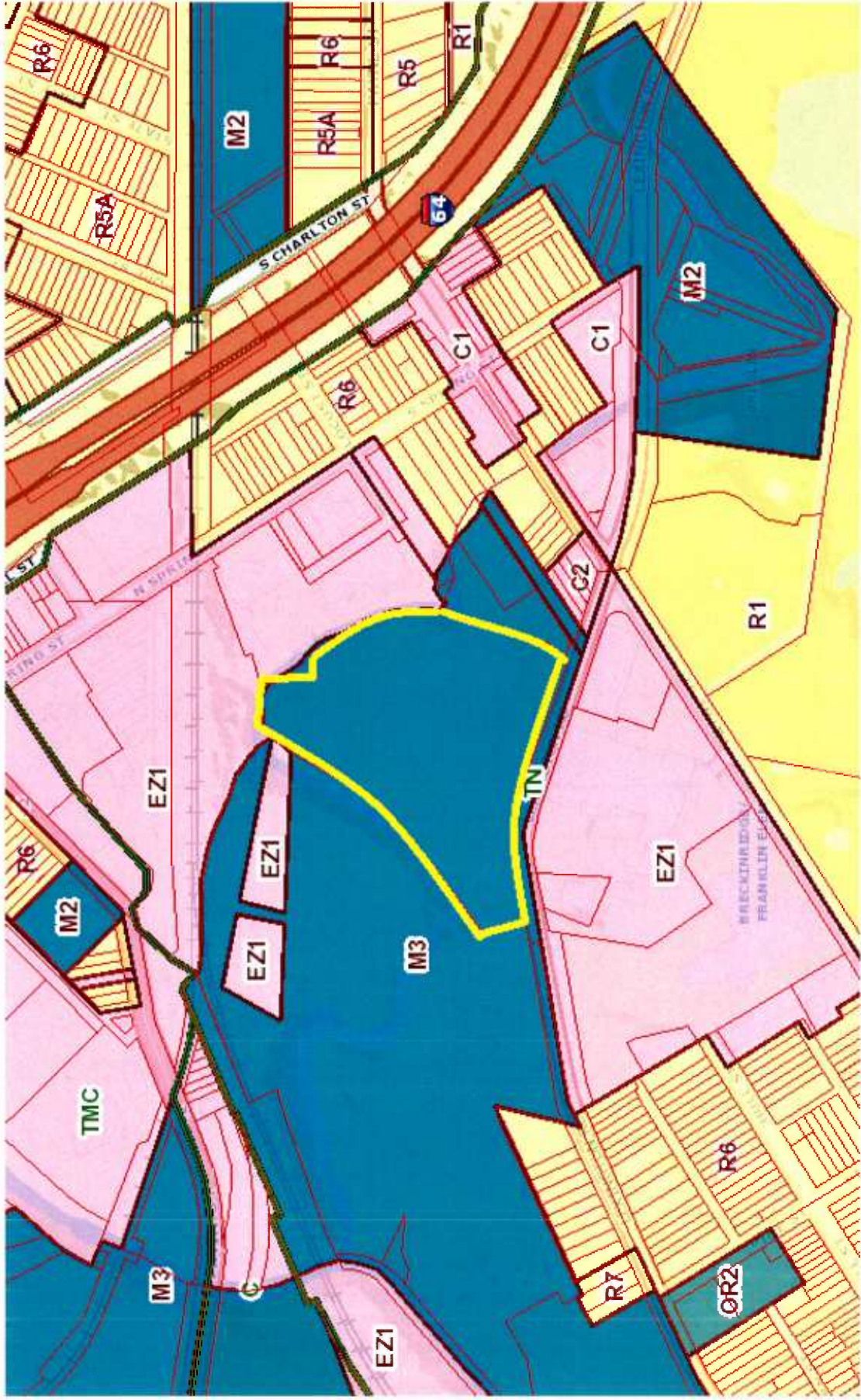
## About Us

Cityscape Residential is a multifamily real estate development and construction firm with its heart planted firmly in the Midwest. The principals of Cityscape average more than 20 years of experience in a wide range of sophisticated real estate transactions, including complex multi-party joint venture transactions, public-private partnerships, and complex financial instruments and structures. Cityscape is most well-known for its award-winning history of luxury multifamily rental communities. The principals of Cityscape have been responsible for the successful development and/or financing of several billion dollars' worth of real estate throughout the eastern half of the United States during their careers and have been responsible for the development and construction of several thousand for-sale and rental residential units across multiple market areas.

The firm brings an especially strong background to the innovative design and construction of its high-density multifamily communities, leveraging a deep base of in-house construction experience among its partners and associates. Principals in Cityscape are trained and have practiced in the fields of architecture, urban planning, accounting, and construction management and have served as senior executives at firms ranging from small entrepreneurial partnerships to large, public NYSE-listed companies. Cityscape principals pride themselves in the professionalism and integrity for which the firm has come to be known through its dealings.

## Our Approach

- ◀ **DESIGN**—Cityscape Residential designs properties to be as unique as the neighborhoods in which they reside. Using design elements that echo each neighborhood's defining architectural style, Cityscape Residential brings a thoughtful, one-of-a-kind aesthetic to every one of its communities. With its signature blend of high-end finishes, such as wine refrigeration storage and spa garden tubs, and unparalleled design, Cityscape Residential develops luxury apartments that appeal to residents across the Midwest.
- ◀ **DEVELOPMENT**— With a veteran team whose backgrounds span multiple disciplines from architecture and urban planning to accounting and construction management, Cityscape Residential brings a depth of well-rounded experience to each luxury multifamily community it develops.
- ◀ **CONSTRUCTION**— The strong foundation of in-house construction experience among its partners and associates allows Cityscape Residential to serve as its own general contractor on all its developments. The company also works with outside subcontractors.
- ◀ **ASSET MANAGEMENT**—With experience in property and asset management, the Cityscape team focuses on exemplary performance through our properties lifecycle in terms financial performance, property quality, and resident satisfaction to further enhance the reputation of Cityscape and our institutional investment partners.



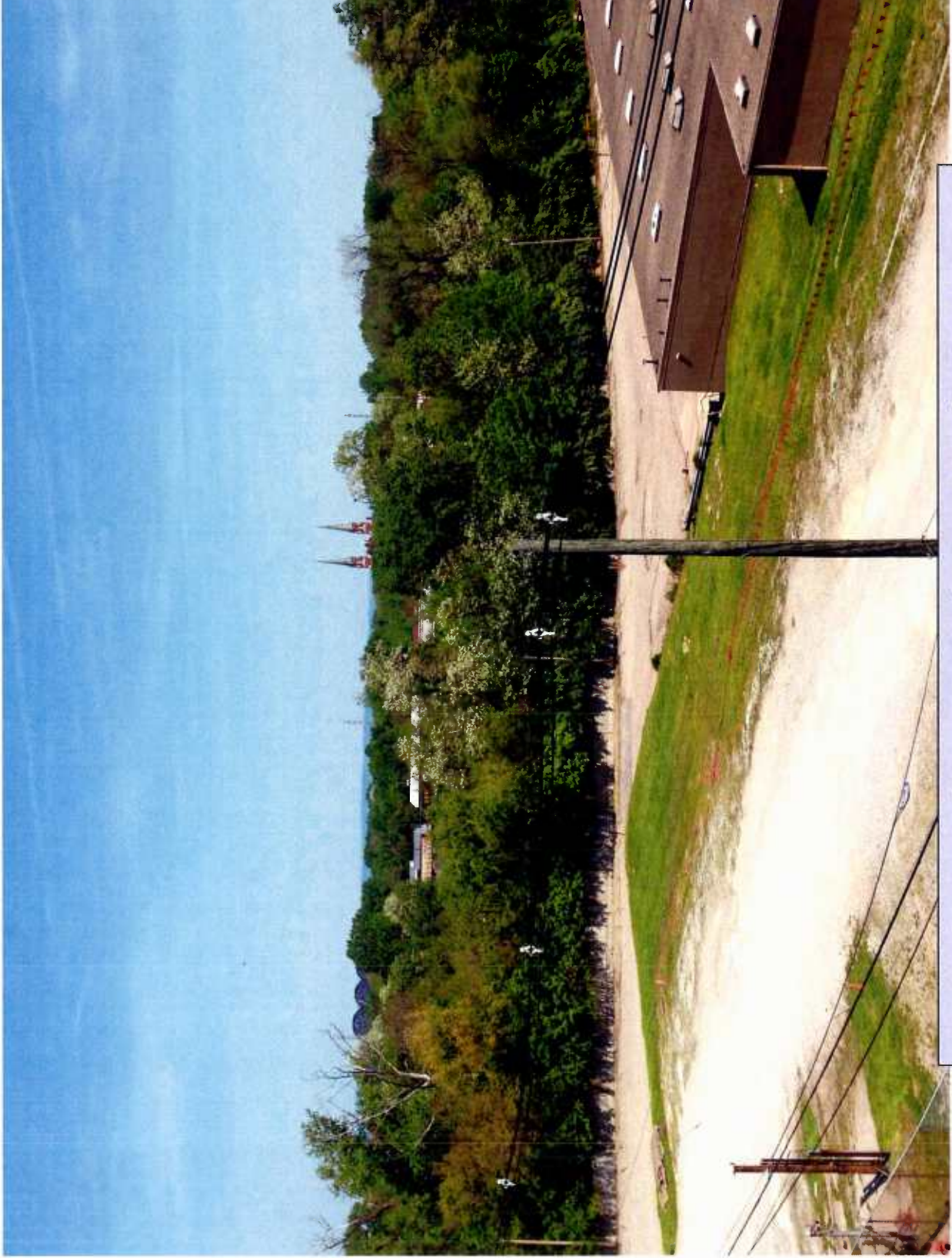
LOJIC Zoning/Form District Map



LOJIC Aerial Photograph



**Subject Property**  
**(Looking north from Distillery Commons roof across Lexington Road)**



**Looking northwest toward River Metals property  
(Subject Property in foreground)**

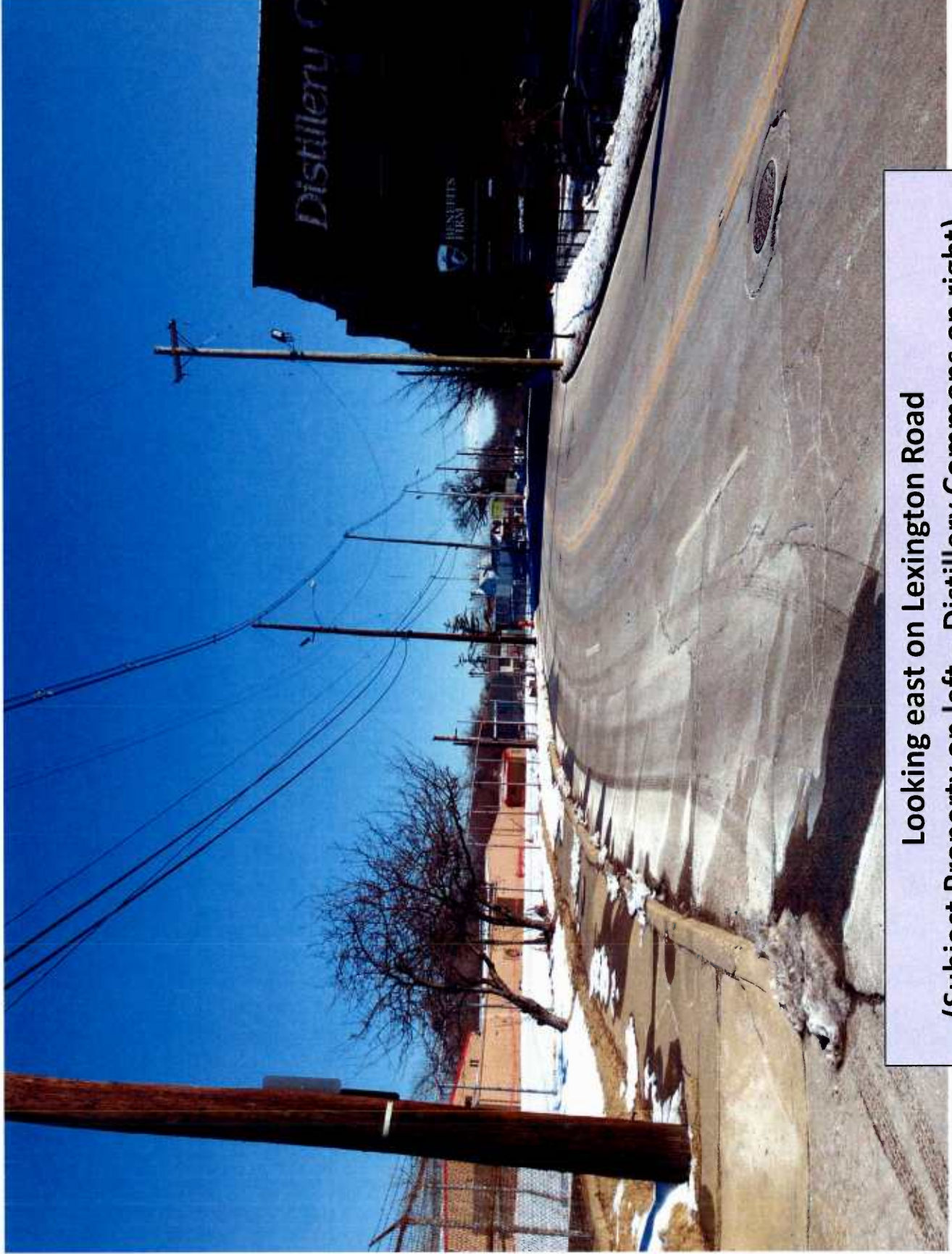


**Lexington Road  
(along western frontage of Subject Property)**





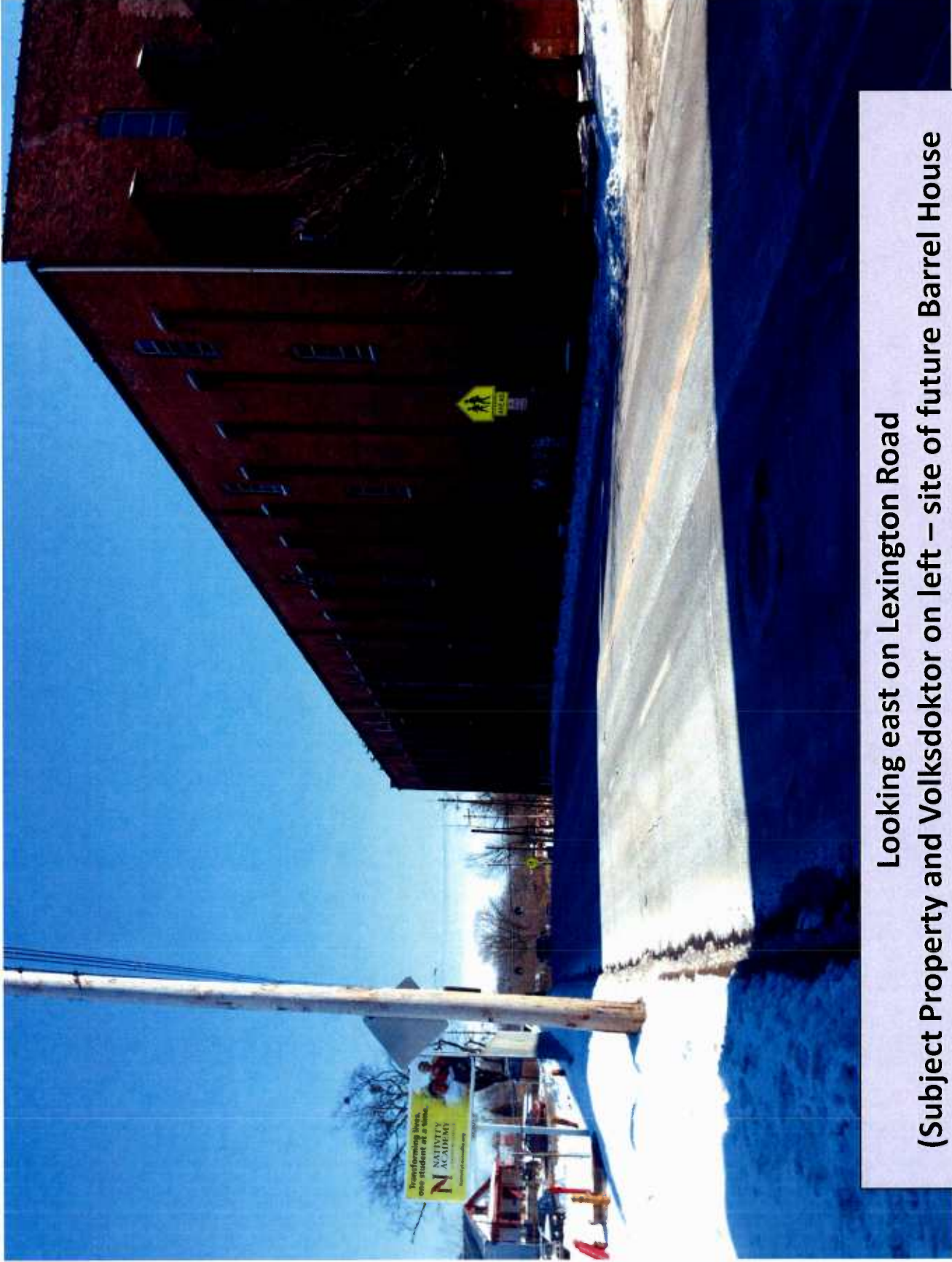
**Lexington Road  
(along eastern frontage of Subject Property)**



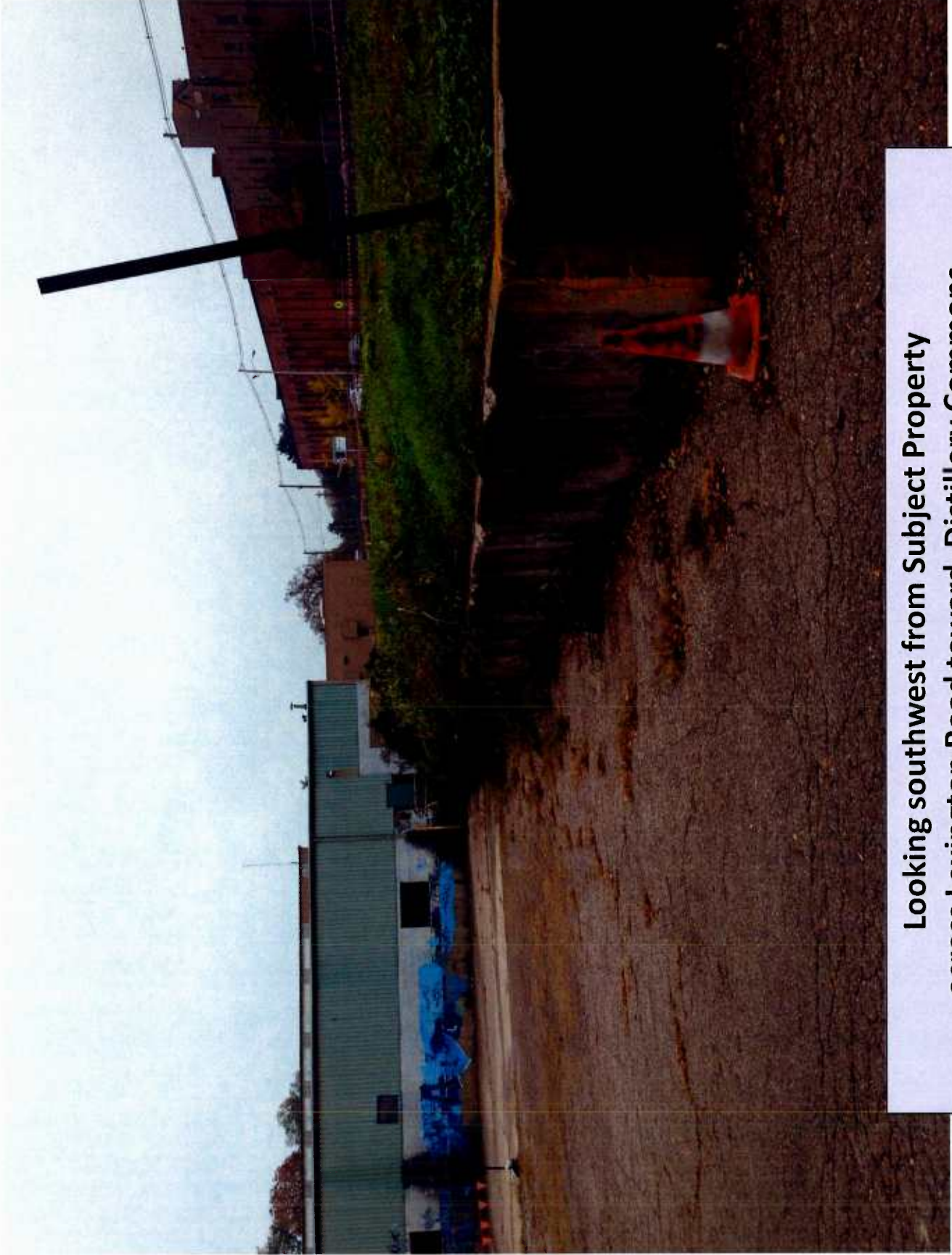
Looking east on Lexington Road  
(Subject Property on left – Distillery Commons on right)



**Looking west on Lexington Road  
(Distillery Commons/Headliners on left – Subject Property on right)**



Looking east on Lexington Road  
(Subject Property and Volksdokter on left – site of future Barrel House  
Lofts on right)

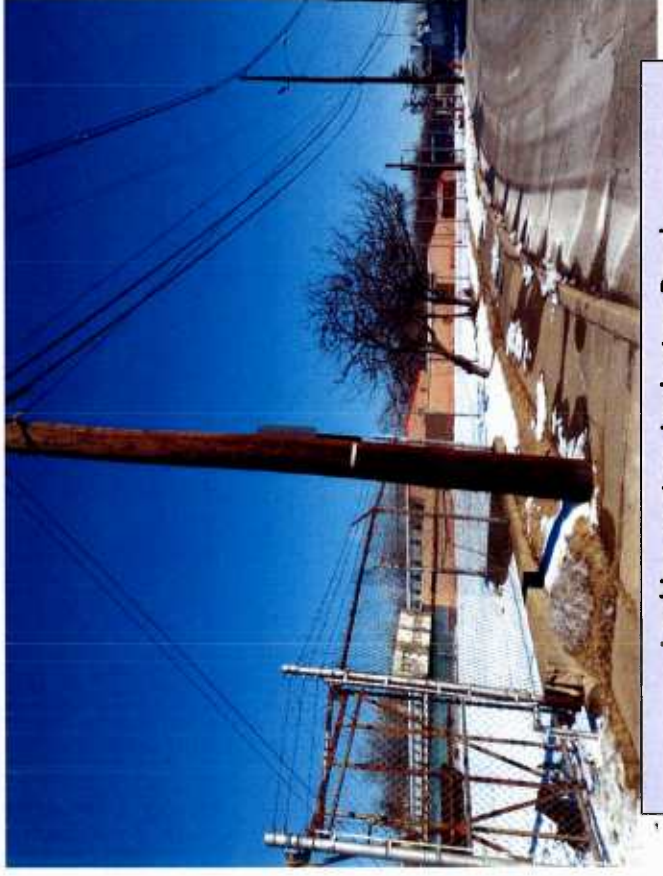


Looking southwest from Subject Property  
across Lexington Road toward Distillery Commons

**Lexington Road  
Existing Streetscape**



**Looking west on Lexington Road**



**Looking east on Lexington Road**



## Key Features of Proposed Development

- Redevelopment of long vacant blighted industrial property in central area adjacent to major neighborhoods, employment centers, and entertainment districts
- 300 Apartments - mix of studio, one and two bedroom floor plans
- Adding luxury rental housing to Irish Hill, providing the latest interior finishes - stainless steel appliances, granite counters, plank flooring - as well as a full resort quality amenity package - pool, grilling area, pet park and amenities, cyber café, and commercial quality fitness area
- No disturbance of creek or stream buffer area from proposed development plan
- 135,000 square feet of tree canopy - 79,000 SF preserved and 56,000 SF new (no tree canopy required)
- Five stories over parking podium to minimize disruption to floodplain
- Adding green space to site to provide green infrastructure and beautification - reducing impervious surface by 32% from what currently exists
- Providing bicycle parking in parking garages to promote multi-modal transportation of residents (no bike parking required)
- Improved TARC stop relocated on site with a shelter area
- Full time professionally managed property including onsite service department





DETAILED DISTRICT DEVELOPMENT PLAN  
 1373 LEXINGTON ROAD  
 DEVELOPER  
 CITYSCAPE RESIDENTIAL  
 8335 KEYSSTONE CROSSING SITE 106  
 INDIANAPOLIS, IN 46240  
 (317) 812-3504

**LD&D**  
 LAND DESIGN & DEVELOPMENT, INC.  
 100 WASHINGTON STREET, SUITE 200  
 INDIANAPOLIS, IN 46204  
 TEL: 317-635-1111  
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 WWW.LDANDD.COM

PROJECT DATA  
 DATE: 1-11-14  
 SCALE: AS SHOWN  
 DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 ENGINEER'S SEAL  
 SURVEYOR'S SEAL

REVISIONS  
 NO. DATE DESCRIPTION  
 1 3-11-14 PER AERIFIC COMMENTS DT





BUILDING A - NORTH/ SOUTH ELEVATION  
 BUILDING B - NORTH/ SOUTH ELEVATION

SCALE: 1/8" = 1'-0" (24"x36" SHEET)



ELEVATIONS

A-415

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DUBAI-CHENNAI-HOCHTIEF



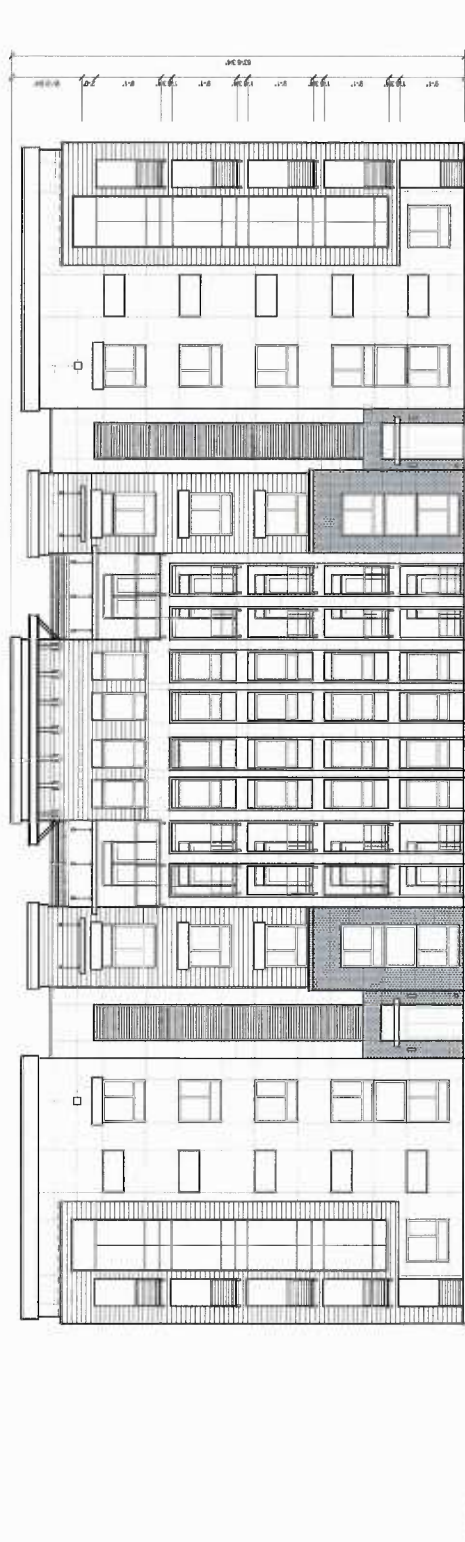
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AXIS APARTMENTS  
 CITYSCAPE RESIDENTIAL  
 LOUISVILLE, KY

HPA#13435

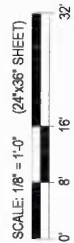
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BUILDING A - NORTH/ SOUTH ELEVATION  
 BUILDING B - NORTH/ SOUTH ELEVATION

ELEVATIONS

A-415



CITYSCAPE APARTMENTS  
 CITYSCAPE RESIDENTIAL  
 LOUISVILLE, KY

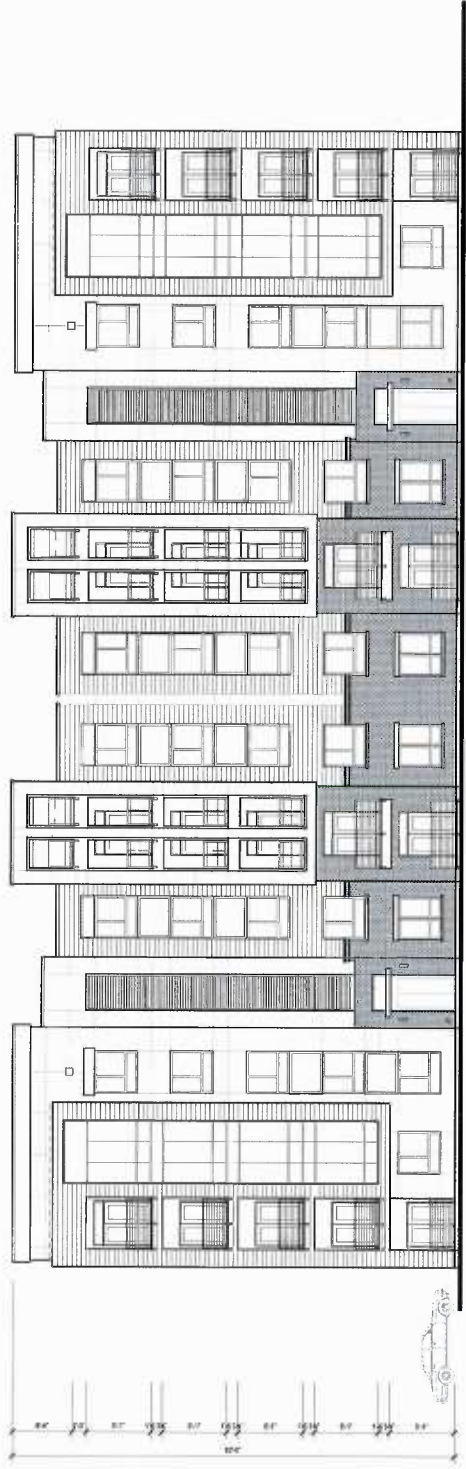
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BUILDING A - WEST/EAST ELEVATION  
 BUILDING B - WEST/EAST ELEVATION

ELEVATIONS

A-416

SCALE: 1/8" = 1'-0" (24"x36" SHEET)

CITYSCAPE APARTMENTS  
 CITYSCAPE RESIDENTIAL  
 LOUISVILLE, KY

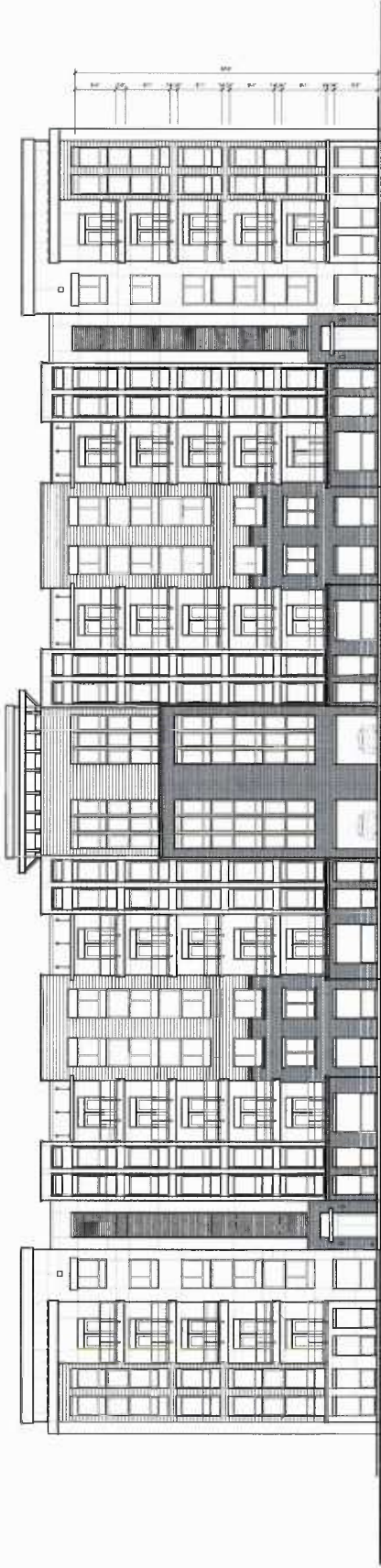
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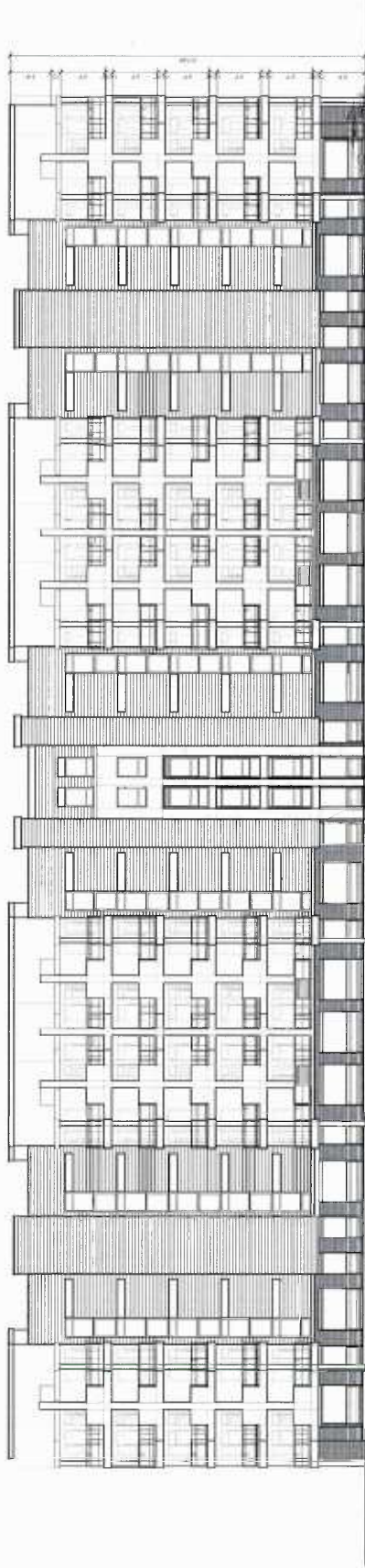


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BUILDING C - SOUTH ELEVATION



BUILDING C - NORTH ELEVATION

ELEVATIONS

A-436

SCALE: 3/32" = 1'-0" (24"X36" SHEET)



CITYSCAPE APARTMENTS  
CITYSCAPE RESIDENTIAL

LOUISVILLE, KY

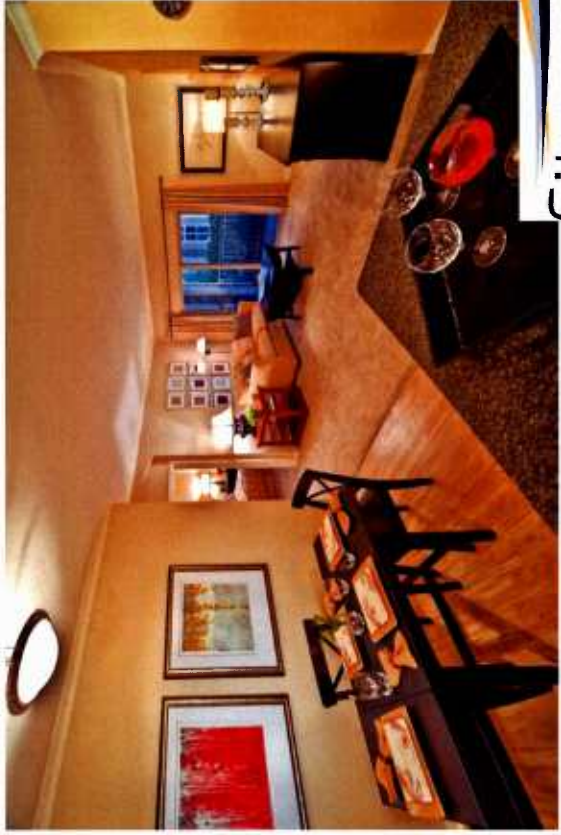
2014.03.07

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Modern, upscale interior finishes



**Full resort quality amenity package including a pool, pet park, cyber lounge, and commercial quality fitness center**

**Cityscape**  
Residential

**PROPOSED FINDINGS OF FACT FOR CHANGE IN ZONING FROM M-3  
INDUSTRIAL TO R-8A MULTI-FAMILY RESIDENTIAL  
AXIS APARTMENTS  
1373 LEXINGTON ROAD  
14ZONE1001  
May 22, 2014**

WHEREAS, the Louisville Metro Planning Commission (“Planning Commission”) finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant’s proposed findings of fact, that the proposed change in zoning from M-3 Industrial to R-8A Multi-Family Residential on the property located at 1373 Lexington Road complies with Guideline 1 of the Cornerstone 2020 Comprehensive Plan (the “Comprehensive Plan”) because the proposed development is located within an existing activity center along Lexington Road in a Traditional Neighborhood Form District; the proposed development will enable an old industrial site to be redeveloped into an upscale multi-family residential community; the proposed development will preserve the existing sidewalk and street pattern; streetscape improvements will be made along the Lexington Road frontage to enhance the pedestrian experience; the 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 subject property is 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; and the proposed construction incorporates materials and design features that are compatible with the character of the surrounding area;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 2 of the Comprehensive Plan because the proposed development is located within an existing activity center that contains a mixture of industrial, residential, commercial, and office uses; the site plan incorporates focal points around the site, including a pool, rain gardens, and open space areas around Beargrass Creek; the proposed development allows for the conversion of an old blighted industrial site into a multi-family residential development, which will help to stabilize the area and add to the diverse mixture of uses in the Irish Hill neighborhood; and the proposed development will provide a unique housing type and building style that does not currently exist in the neighborhood;

WHEREAS, the Planning Commission further finds the proposed rezoning complies with Guideline 2 of the Comprehensive Plan because the proposed development will incorporate streetscape amenities, landscaping, pedestrian connections, and adequate on-site parking; the site design focuses the buildings to the street and away from the natural features of the site, giving greater attention to the buildings and streetscape; 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; the subject 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; the proposal represents a compact pattern of development resulting in the efficient use of land; and the proposed mixture of compatible uses will reduce vehicle trips, support the use of alternative forms of transportation, and encourage vitality and sense of place in this traditional neighborhood;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 3 of the Comprehensive Plan because the subject property is located in a mixed-use area along a busy corridor that includes industrial, commercial, office, and residential uses; directly across Lexington Road from the subject site is the Distillery Commons complex and Headliners Music Hall, both of which are 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; the vegetation along Beargrass Creek provides a buffer where the site adjoins the higher intensity M-3 and EZ-1 zoned properties; and the proposed rezoning will not adversely impact the surrounding area;

WHEREAS, the Planning Commission further finds the proposed rezoning complies with Guideline 3 of the Comprehensive Plan because the proposed buildings will incorporate architectural design features compatible with the character of the surrounding neighborhood; the buildings will be oriented towards the street frontage with setbacks that meet the form district standards; the proposed development will contain sufficient parking to the sides and rear of the buildings to serve the needs of the residents of the development and their guests; the subject site's two access points are off of Lexington Road and are designed and located to be safe and convenient for motorists and pedestrians, and will not negatively impact nearby properties; the proposed residential development is appropriately located on a transit corridor; sidewalks and internal pedestrian connections are being provided to ensure the development is highly accessible by all modes of transportation; the proposed development contains trees and other landscaping along the Lexington Road frontage and throughout the site to break up parking areas and enhance the aesthetic character of the development; and the proposed development's outdoor lighting and signage will comply with Land Development Code requirements and will not negatively affect nearby residential properties;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 4 of the Comprehensive Plan because the subject property is located in close proximity to Breslin Park, a public park; in addition, the proposed development contains large areas of open space along Beargrass Creek as well as throughout the development; the open spaces around Beargrass Creek will serve as natural buffers against the adjacent higher density zoning districts and will help treat some of the site's run-off before entering the creek; and green infrastructure measures are being 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;

WHEREAS, the Planning Commission further finds the proposed rezoning complies with Guideline 4 of the Comprehensive Plan because 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 preserves the required stream buffer along Beargrass Creek, and will integrate bio-cells which will provide additional water quality and stormwater drainage benefits; and the proposed buildings will be constructed on podiums to ensure there are no negative impacts to the watershed and its capacity to carry stormwater;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 6 of the Comprehensive Plan because the subject property is located within an existing activity center along Lexington Road near the intersection of Payne Street; and the proposed development represents a significant investment in the redevelopment and rehabilitation of a vacant, blighted industrial site in a manner that is consistent with the Traditional Neighborhood Form District;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 7, 8 and 9 of the Comprehensive Plan because 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, which together will provide adequate carrying capacity to handle the traffic going to and from the 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; and parking is located primarily to the sides and rear of the proposed buildings in conformance with Traditional Form District standards;

WHEREAS, the Planning Commission further finds the proposed rezoning complies with Guidelines 7, 8 and 9 of the Comprehensive Plan because the subject property provides bicycle parking on site; the sidewalks along the Lexington Road frontage will be improved and pedestrian connections will be provided from the public sidewalk to the proposed development; the subject site is located along a TARC route, ensuring an adequate level of public transit service; the proposed development accommodates all modes of transportation by providing for the movement of pedestrians, bicyclists, vehicles and transit users to, from, and through the development; and 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;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 10 and 11 of the Comprehensive Plan because 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 proposed development's 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; the addition of landscape islands, bio-cells and other open space throughout the development will significantly improve the stormwater maintenance on the site; the proposed development minimizes impervious area by providing parking under the buildings; and an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the Metropolitan Sewer District;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 12 of the Comprehensive Plan because the proposal represents an efficient land use pattern and utilizes current traffic patterns; the proposed development will enable and promote a reduction in vehicle miles traveled and increased pedestrian travel, resulting in a reduction in commuting time and transportation-related air pollution; the subject site is located on a minor arterial and the existing roadway infrastructure provides adequate capacity for the traffic going to and from the development; and the proposed development will promote bicycle transportation due to its proximity to the Central Business District, Beargrass Creek Parkway and other surrounding neighborhoods;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guideline 13 of the Comprehensive Plan because the tree canopy will be provided in accordance with the Land Development Code; a vegetative buffer will be preserved along Beargrass Creek to not only buffer the proposed development from surrounding properties, but also to preserve a natural greenway corridor that can provide habitat areas and allow for wildlife migration; the proposed development will utilize native plant species in the landscape design, street trees will be planted along Lexington Road to enhance the streetscape; 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; and outdoor signage and lighting will comply with the Land Development Code and will be compatible with the surrounding area;

WHEREAS, the Planning Commission finds the proposed rezoning complies with Guidelines 14 and 15 because the subject property is served by existing infrastructure and all necessary utilities, including water, electricity, telephone and cable; and the development has an adequate supply of potable water and water for fire-fighting purposes and is served by the Louisville Fire Department;

61170913.1

**PROPOSED FINDINGS OF FACT FOR VARIANCE**  
**AXIS APARTMENTS**  
**1373 LEXINGTON ROAD**  
**14ZONE1001**  
**May 22, 2014**

WHEREAS, the Louisville Metro Planning Commission (the "Planning Commission") finds, based on the staff report, the evidence and testimony presented at the public hearing, including the applicant's justification and proposed findings of fact, that the requested variance of Section 5.2.2.C. – Table 5.2.2. of the Land Development Code ("LDC") to permit the proposed buildings to be 75 feet in height will not adversely affect the public's health, safety or welfare, and will not alter the essential character of the area because the proposed development is consistent with the surrounding properties, specifically the buildings along Lexington Road, including the Distillery Commons complex directly across the street, which is approximately 57 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; 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, and the nearest residential area to the south of the site is approximately 30 feet above grade elevationally from the subject property; the proposed development is compatible with the surrounding developments and the Traditional Neighborhood pattern of development and will incorporate site design and architectural qualities 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 the LDC requirements, and street trees and interior landscaping will be provided to enhance the visual quality of the development;

WHEREAS, the Planning Commission finds 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; the proposed development represents a significant investment in the redevelopment of a vacant blighted industrial site; the proposed development will be compatible with existing development in the area and will not cause any adverse impacts to surrounding properties; further, 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

WHEREAS, the Planning Commission finds 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;

WHEREAS, the Planning Commission finds that 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 because, 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;

61170922.1

**PROPOSED FINDINGS OF FACT FOR LANDSCAPE WAIVER**  
**AXIS APARTMENTS**  
**1373 LEXINGTON ROAD**  
**14ZONE1001**  
**May 22, 2014**

WHEREAS, the Louisville Metro Planning Commission (the "Planning Commission") finds, based on the staff report, the evidence and testimony presented at the public hearing, including the applicant's justification and proposed findings of fact, that the proposed waiver of Sections 10.2.4 and 10.2.12 of the Land Development Code ("LDC") will not adversely affect adjacent property owners because the property adjacent to where the landscape waiver was requested is zoned M-3 Industrial and contains a commercial use; 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; the proposed development significantly exceeds the LDC stream buffer requirements along Beargrass Creek; the surrounding properties are developed in a traditional urban pattern with minimal or no setbacks or landscape buffer areas; the interior landscape islands at issue are located toward the center of the proposed development and are not located along any property lines; the proposed development is providing the require amount of interior landscape area, but combines multiple smaller landscape islands into larger areas that will serve as bio-retention cells, which will help to remove contaminants and sedimentation from stormwater runoff by collecting and filtering the water from the impervious vehicular use area; and the larger islands satisfy the intent of the LDC 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;

WHEREAS, the Planning Commission finds the requested waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed development will convert 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; 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; 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 will aid in reducing commuting time and transportation-related air pollution; outdoor lighting and signage will comply with the LDC requirements; the proposed development adheres 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; and the applicant will construct a 4-foot 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;

WHEREAS, the Planning Commission further finds 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; the requested perimeter buffer waiver is adjacent to the east property line where the subject site adjoins M-3 zoned property; the site is an irregularly-shaped parcel that is bounded by Beargrass Creek along the east, north, and west property lines; and the proposed development exceeds the perimeter buffer requirement in much of the area along Beargrass Creek;

WHEREAS, the Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for noncompliance with the regulations because the proposed development exceeds the requirements of the LDC in terms of tree canopy preservation and stream buffering along Beargrass Creek; 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; and the proposed development will contain three bio-retention cells within the vehicle use area, which will help improve water quality, and enhance the overall aesthetic appearance of the site;

61170918.1

**PROPOSED FINDINGS OF FACT  
FOR LAND DEVELOPMENT CODE WAIVER  
AXIS APARTMENTS  
1373 LEXINGTON ROAD  
14ZONE1001  
May 22, 2014**

WHEREAS, the Louisville Metro Metro Planning Commission (the "Board") finds, based on the staff report, the evidence and testimony presented at the public hearing, including the applicant's justification and proposed findings of fact, that the proposed waiver of Section 5.4.1.G.1.b. of the Land Development Code ("LDC") to allow parking adjacent to the westernmost building to be located closer to the right-of-way than the front façade of the building 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 Beargrass Creek abuts the subject property along the north and west property lines, which provides a natural buffer between the subject property and the adjoining properties to the north and west;

WHEREAS, the Planning Commission finds the requested waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed development will convert 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; 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; 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 will aid in reducing commuting time and transportation-related air pollution; outdoor lighting and signage will comply with the LDC requirements; the proposed development adheres 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; and the applicant will construct a 4-foot 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;

WHEREAS, the Planning Commission further finds the extent of the requested waiver is the minimum necessary to afford relief to the applicant because the proposed development meets all other site design requirements of the Traditional Neighborhood Form District; the applicant's effort to provide a significant buffer along Beargrass Creek limits the amount of developable area on site, particularly in the southwestern corner 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 of the subject property, increases the difficulty of meeting the technical requirement of the regulation; and 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;

WHEREAS, the Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for noncompliance with the regulations because the proposed development preserves the existing sidewalk and street pattern and includes 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 the efficient use of land and cost-effective infrastructure; 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 open space areas along Beargrass Creek, and larger than required interior landscape areas that are designed as bio-retention cells to help reduce and filter stormwater runoff; 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; and the proposed development incorporates three bio-retention cells in the vehicular use area, which will help improve water quality and enhance the overall aesthetic appearance of the site;

WHEREAS, the Planning Commission further finds 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;

WHEREAS, the Planning Commission further finds that 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 because 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;

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