



CASE NO. 13CUP1009
CONDITIONAL USE PERMIT AND LANDSCAPE WAIVER
4701 – 4711 S. Hurstbourne Parkway
(f/k/a 8300 Stillmeadow Drive)

APPLICANT'S PUBLIC HEARING EXHIBIT BOOKLET
Public Hearing Date: April 7, 2014

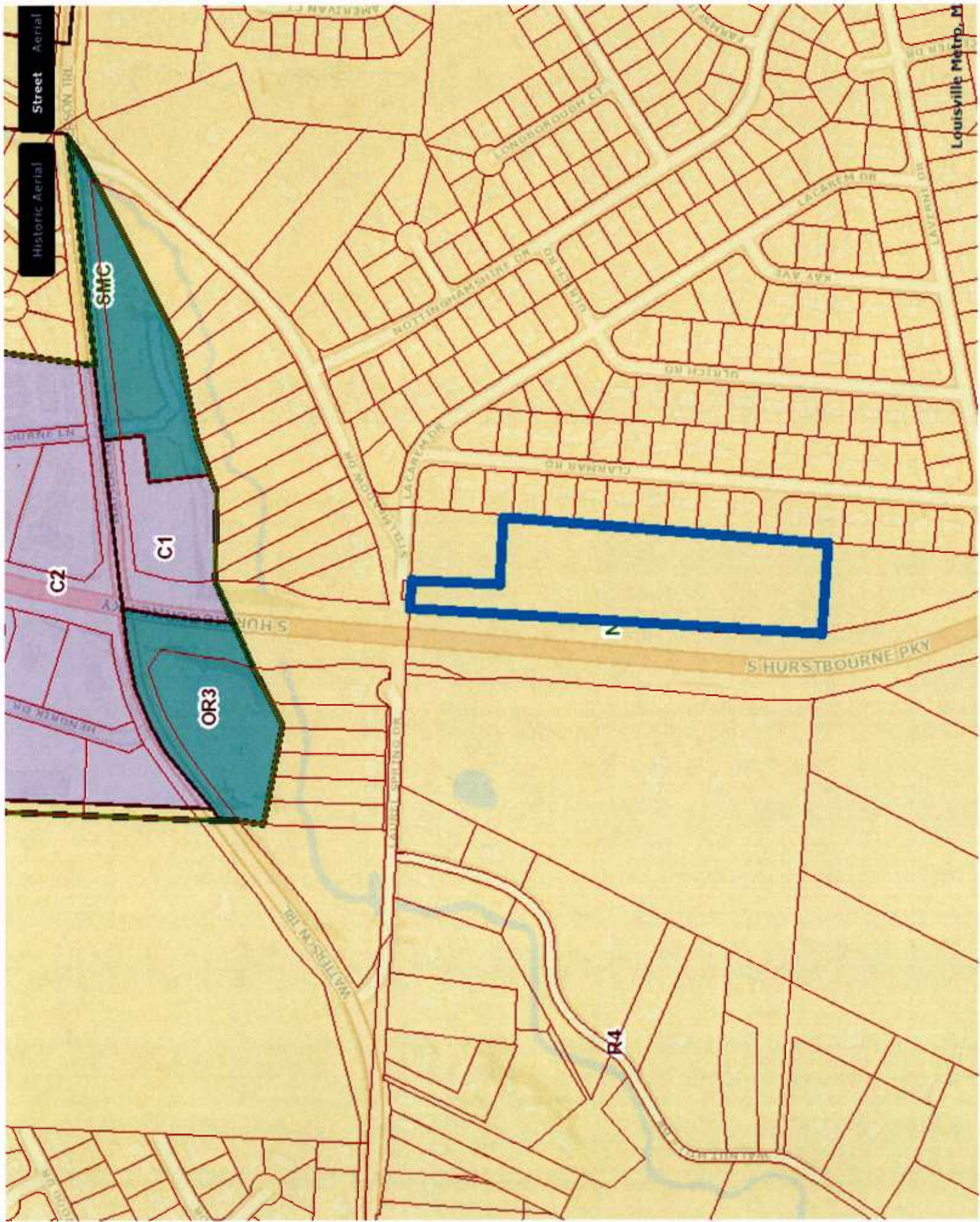
1. Zoning Map
2. Color Development Plan
3. Site Plan on Aerial Photograph
4. Lantern Building Elevations (Tract 1 – North)
5. Morning Pointe Building Elevations (Tract 2 – South)
6. 2013 Annual Report – Independent Healthcare Properties, LLC and Related Entities
7. Photographs of Existing Facility in Lexington
8. Proposed Findings of Fact for Conditional Use Permit and Landscape Waiver

Attorney

Deborah A. Bilitski
Wyatt, Tarrant & Combs LLP

Engineering/Land Planning

Tony Barrett
Barrett Partners, Inc.
Kevin Young and Ann Richard
Land Design & Development, Inc.



Street Aerial

Historic Aerial

Louisville Metro, KY

SMC

C1

C2

OR3

R4

CONDITIONAL USE PERMIT REQUEST

Conditional Use Permit is requested by Section 4.2.39 of the Louisville Metro Land Development Code for personal care facilities (Tracts 1 and 2).

WALIVER REQUESTED

A Waiver is requested from Section 1D.2.4.B of Louisville Land Development Code to allow the more than 50% overlap of the proposed sewer and drainage easements and the 25 ft Landscape Buffer Areas adjacent to the Hoos Family Trust easement line and the Chester Development, LLC easement line.

MSD NOTES:

- [illegible]

GENERAL NOTES:

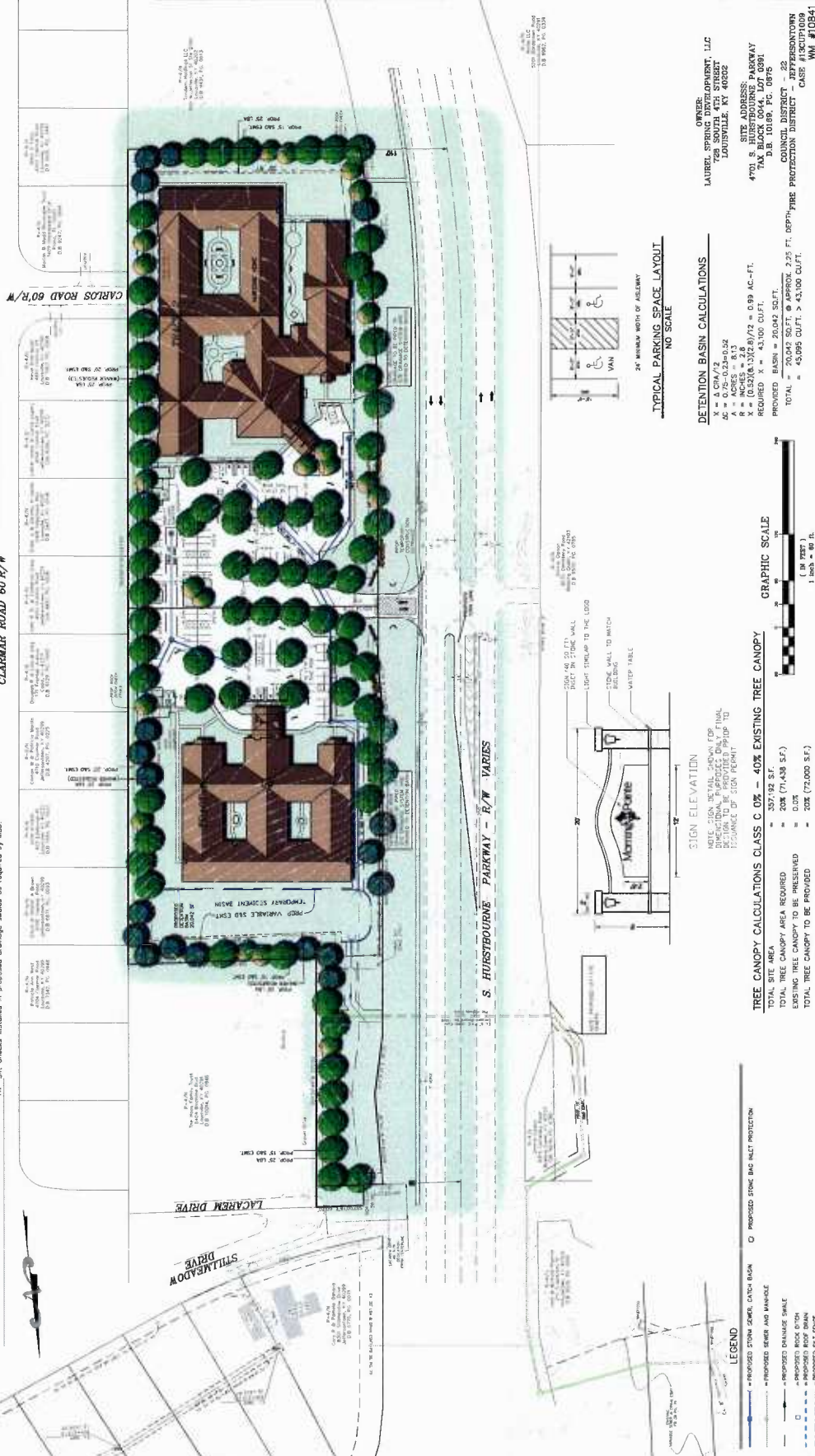
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PROJECT DATA

[illegible]

LOCATION MAP

NOT TO SCALE



OWNER:

OWNER:
LAUREL SPRING DEVELOPMENT, LLC
728 SOUTH 4TH STREET
LOUISVILLE KY 40202

SITE ADDRESS:
4701 S. HURSTBOURNE PARKWAY
TAX BLOCK 0044, LOT 0391
DB 10169 PG. 0875

COUNCIL DISTRICT - 22
PROTECTION DISTRICT - JEFFERSON TOWN
CASE #13CUP1009
WM #10841

DEFENTION BASIN CALCULATIONS

DETENTION BASIN CALCULATIONS

$$R = \text{INCHES} = 2.8$$
$$X = (0.52 \times 6.13 \times 2.8) / 2 = 0.99 \text{ AC.-FT.}$$
$$\text{REQUIRED } X = 43,100 \text{ CU.FT.}$$

TOTAL = 20,042 SQ.FT. @ APPROX. 2.25
= 45,095 CU.FT. > 43,100 CU.FT.

DESIGN ELEVATION

NOTE: SIGN DETAIL SHOWN FOR
DIMENSIONAL PURPOSES ONLY. FINAL
DESIGN TO BE PROVIDED BY THE
DESIGN ELEVATION

CLASS C 0% - 40% EXISTING

20% (71,438 S.F.)
D.0%
20% (72,000 S.F.)

357.10% C F

TOTAL TREE CANOPY AREA REQUIRED

EXISTING TREE CANOPY TO BE PRESERVED = 0.0%

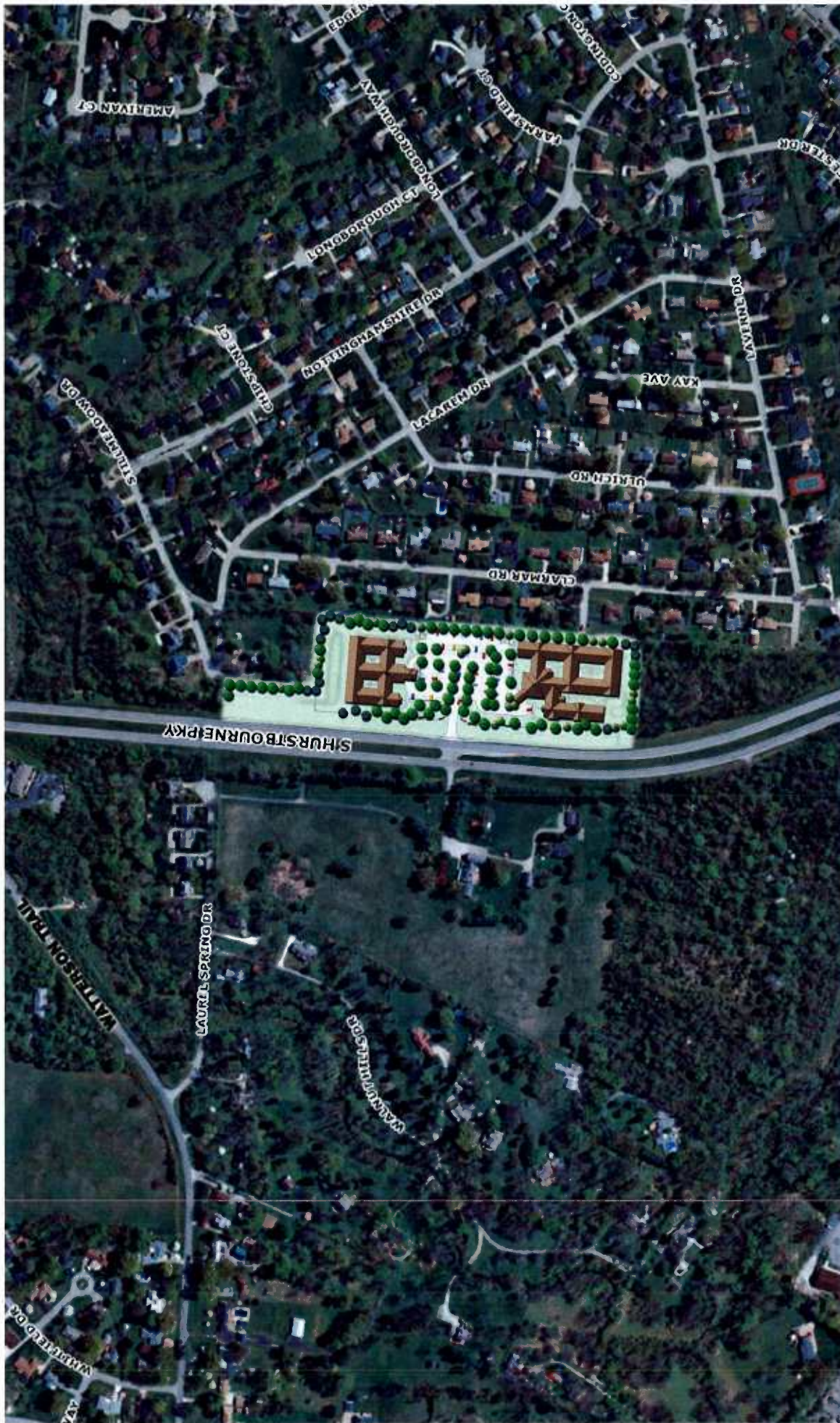
TOTAL TREE CANOPY TO BE PROVIDED = 20% (72,000 S.F.)

GRAPHIC SCALE

Year	Number of individuals
1950	100
1955	20
1960	15
1965	25
1970	10
1975	20
1980	15
1985	25
1990	10

(10 2000)

1 inch = 80 ft.



Morning Pointe

4701 & 4711 SOUTH HURSTBOURNE PARKWAY
LOUISVILLE, KENTUCKY

B Barrett Partners, Inc.

PLANNING AND LANDSCAPE ARCHITECTURE

209 East High Street • Lexington, Kentucky 40507

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FRONT (EAST) ELEVATION



REAR (WEST) ELEVATION



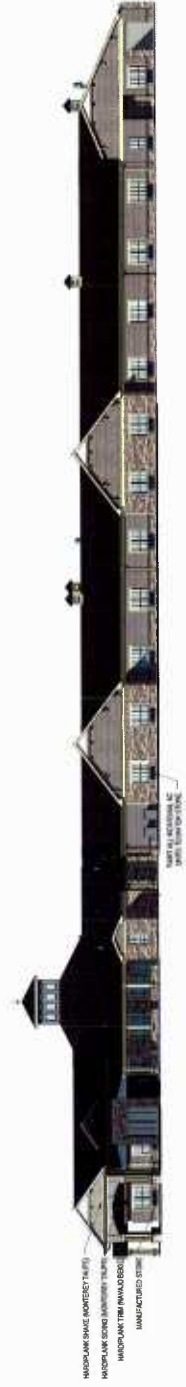
SIDE (SOUTH) ELEVATION



SIDE (NORTH) ELEVATION



COURTYARD (SOUTH) ELEVATION





Morning Pointe
Assisted Living &
Alzheimer's Memory Care



Providing *care.*
Preserving *Dignity.*



Independent Healthcare Properties, LLC
and Related Entities

2013 Annual Report

Our Mission

Morning Pointe communities are committed to being the provider of choice for Assisted Living and Alzheimer's care services.

Our Values

TO RESIDENTS:

Morning Pointe communities are dedicated to providing services that enhance the wellness, lifestyle and enjoyment of senior living. Both Assisted Living and Alzheimer's services are provided in a caring, secure environment that promotes hospitality and dignity while maintaining an independent quality of life.

TO COMMUNITY:

Morning Pointe is dedicated to being a resource center for individuals and families challenged with senior living care decisions. Educational programs, specialized training and community involvement

are utilized to ensure innovative and resourceful answers that meet the community's needs. By being a good corporate citizen, Morning Pointe seeks to foster meaningful relationships with business leaders that will enhance the surrounding communities.

TO ASSOCIATES:

Morning Pointe seeks to provide a work environment that supports the fulfillment of each associate. Innovative training and educational programs promote the wellness and lifestyle of each associate. Compassionate leadership will challenge each associate to meet and exceed career objectives while dedicating themselves to the service of others.

TO MANAGEMENT:

Morning Pointe management strives to be industry leaders and produce positive results. Innovative and creative managers are challenged to be good financial fiduciaries of all the resources entrusted to them. All decisions must reflect a Judeo-Christian ethic that supports a strong corporate culture and character.





Letter to Investors, Associates and Business Partners



Greg A. Vital

Dear Stakeholder,

Since its founding in 1996, Independent Healthcare Properties, LLC (IHP) has grown from one employee to over 800 Morning Pointe associates in 23 locations. We now serve approximately 1,200 residents in five states with a model of care that focuses on understanding each senior and their changing medical needs. It's a model that realizes the importance of social

engagement, family and a sense of community. Combined, the Morning Pointe Way truly enhances the quality of life.

With the growing senior population and the staggering Alzheimer's statistics, the need for Morning Pointe's assisted living and Alzheimer's services continues to climb. Recent studies predict an increasing lifespan with as many as 19.5 million people expected to be above the age of 80 by 2030. The number of Americans with Alzheimer's is predicted to grow from 5.2 million today to 7.1 million by 2025.

During the coming year, Morning Pointe will continue to expand its *Meaningful Day* program in The Lantern at Morning Pointe Alzheimer's Center of Excellence communities with the implementation of SimpleC, an intuitive touch-screen that promotes memory, engagement, and better communication for seniors. The innovative technology is set for roll out in all of our Lantern communities during the next 12 months, enabling staff to deliver care throughout the day on an enhanced level.

Morning Pointe also continues to emphasize its employee initiatives by recognizing communities through the TEAM Rewards program and Exceeding Expectations. Both of these programs are aimed at continuing to improve customer service and quality of care

by rewarding those who go above and beyond their daily job responsibility.

During 2014, IHP will again make an additional \$20-million dollar investment in two of our key states—Tennessee and Kentucky. A new 80-resident assisted living community will be constructed on Shallowford Road across from the current Morning Pointe of Chattanooga. Upon completion of the new building, the existing facility will be renovated and become The Lantern at Morning Pointe Alzheimer's Center of Excellence with 60 apartments. Nashville and Williamson County will also be a focus for growth in the second quarter of 2014. Our services in Kentucky will be expanded to include the Louisville market with the addition of both an 80-bed assisted living community and a 45-bed Alzheimer's community.

To meet the ever-growing use of the internet and social media, the Morning Pointe website has been updated with a new mapping system, blog, and associates page. We have expanded our connection to social media to include a growing Facebook page of over 1,000 followers and a YouTube channel to share our impactful resident stories in a growing medium.

We are excited to embark on our seventeenth year of serving seniors. Quality individual care, exceptional customer service, and resident choices are the foundation of our success. By focusing on what matters the most—quality of life—Morning Pointe will continue to make a difference in the lives of our seniors each and every day.

Thank you for your interest and your support.

Sincerely,

Greg A. Vital
President and CEO

GROWTH in ALZHEIMER'S

Morning Pointe's strategic growth and proven programming offers real solutions for care of Alzheimer's patients and relief for caregivers. Morning Pointe's *Meaningful Day* program at The Lantern Alzheimer's Center of Excellence is created by tapping into a loved one's personality and helping them continue to have meaning and purpose during the hardest of times coping with the disease.

By investing time and attention in understanding prior roles, routines, life experiences and interests of each resident, The Lantern trained team of professionals create an environment that truly enhances quality of life.

Morning Pointe has always offered The Lantern program in most of its assisted living communities. Now, with the growth in Alzheimer's and the demand for knowledgeable care, IHP has shifted its focus to building more free-standing Lantern communities known as The Lantern Alzheimer's Center of Excellence. The Lantern portion of IHP's target market now makes up 41% of its overall business, up from 10% seven years ago.

Independent Healthcare Properties (IHP) and Morning Pointe are on track to open three new Lantern communities over the course of the next year. Twenty Lantern apartments will make-up Morning Pointe of Powell, Tennessee; 60 Lantern apartments will be available in the newly renovated Lantern at Morning Pointe of Chattanooga on Shallowford Road and The Lantern at Morning Pointe of Lexington will offer another 44 apartments.

Statistics

Alzheimer's is the **6th** leading cause of death.

In 2012, **15.4 million** caregivers provided more than **17.5 billion** hours of unpaid care valued at **\$216 billion**.

41% of Morning Pointe's business is dedicated to Lantern Alzheimer's care.

13: Number of Morning Pointe Lantern Alzheimer's care programs

4: Number of Lantern Alzheimer's Center of Excellence free-standing communities

406: Number of Lantern residents.

"It became very difficult to fill the day with the caregivers at home. They didn't have the expertise or skill to know what to do with my husband. I feel like making this change to The Lantern at Morning Pointe was the best thing I could have ever done for him. He has purpose now."

Amy Smith

Lantern family member



Enhanced baby center for residents to reconnect to that part of their past, reminiscing about parenthood or being a nurturing mother.

Photo at right: Morning Pointe resident Dale Greer gets a big hug from his new four-year old friend during a life enrichment activity at Morning Pointe of Hixson, TN.



Morning Pointe introduces the

LATEST in PROGRAMMING

The *SimpleC Companion* is an intuitive touchscreen that promotes memory, engagement, and better communication for seniors. It will now be part of Morning Pointe's *Meaningful Day* programming.

Key details of a resident's life story are uploaded to an individualized touchscreen located in each resident's apartment, which then uses pre-recorded voices of family members or favorite caregivers to stimulate positive memories and prompt healthy routines, such as participation in mealtimes. During key times throughout the day, residents and caregivers can activate SimpleC to assist in delivering programming such as activities and mealtimes, and also behavioral interventions for under-stimulation, sundowning and aggression – all without the use of medications. With this new partnership, Morning Pointe and SimpleC have created a solution that improves the quality of life for those living with dementia and Alzheimer's. SimpleC provides daily tools for caregivers while also helping families far and near reconnect and focus on their relationships with each other.

The Facts

SimpleC is a non-pharmacological therapy that offers proven results with no side effects.

Caregivers and family members will now have the choice of an effective, tested alternative.

Common side effects of some medications in long-term care:

Dizziness
Headaches
Blurred Vision
Drowsy, Sedated
Agitation/Irritation
Fatigue

Benefits of *SimpleC*:

Relaxed
Calm
Happy
Reassured
Healthy Appetite

"The SimpleC Companion enables staff to deliver enhanced personal care throughout the day on a level we've never had before. This nurtures the relationship between the care partner and the resident, facilitating care that is centered around the resident's individual needs and desires."

Greg A. Vital

Morning Pointe President and CEO

Rollout Schedule for *SimpleC*

Current location:

Morning Pointe of Hixson Lantern program

November 2013:

The Lantern at Morning Pointe Alzheimer's Center of Excellence at Lexington (KY)

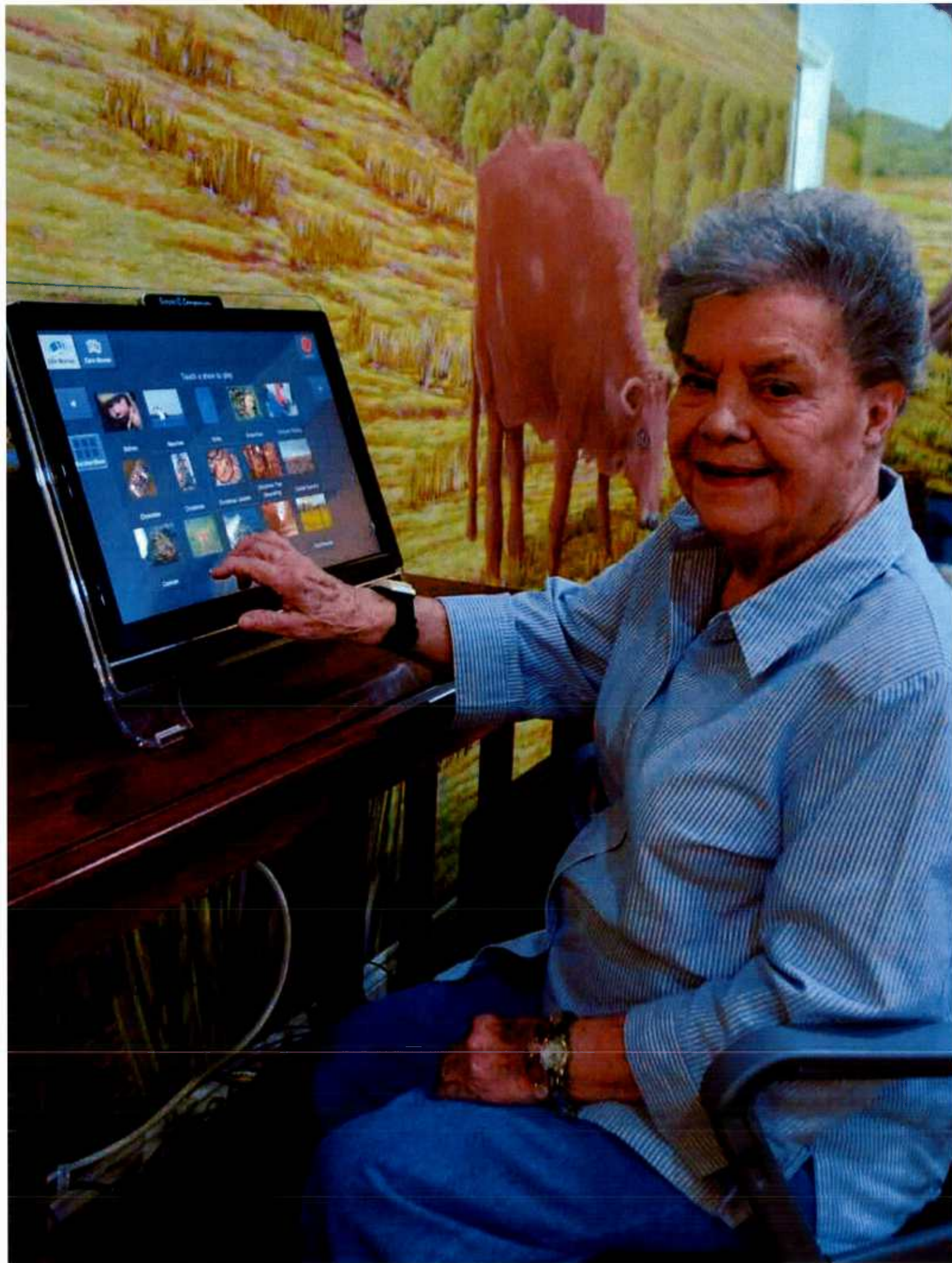
December 2013:

The Lantern at Morning Pointe Alzheimer's Center of Excellence at Collegedale (TN)

January 2014:

The Lantern at Morning Pointe Alzheimer's Center of Excellence at Frankfort (KY)

Photo at right: Lantern resident Billie Johnson uses the new SimpleC Companion at Morning Pointe of Hixson, TN.



Kentucky and Tennessee's

NEWEST DEVELOPMENTS

Statistics

6.6 million: Number of people in the United States projected to be 85+ by 2020. (Census Bureau Report 2010)

50%: Percentage increase by 2040 in the number of elderly requiring long term care that have no children.

14.2% of socially satisfied seniors passed away vs. **23%** of seniors who expressed feelings of loneliness, social isolation, or lack of companionship according to a University of California, San Francisco, study over six years.

Other studies have shown that elderly people in declining health who feel socially isolated and lonely are more likely to move to a senior residence or an assisted living community. Such moves frequently increase their social participation and delay further health decline. (The800Seniors.comBlog)

94%: Number of assisted living residents who say they are satisfied with their overall quality of life in their assisted living community. (2013 survey was conducted jointly by Public Opinion Strategies and Frederick Polls).

"That was one of the reasons she decided to leave her home. She had become self-contained, all of her friends her age were gone; she was looking for some kind of recognition and value. She wanted to feel worthwhile. My mom is happy at Morning Pointe of Richmond she loves the caregivers. They do a wonderful job and they are like family to her now."

Emily

Family member, Morning Pointe of Richmond

Development Projects



Morning Pointe of Lexington-East

Kentucky

Morning Pointe of Lexington-East

150 Shoreside Drive, Lexington, KY
53 Senior Living apartments/20 Lantern Alzheimer's
Just Opened

The Lantern at Morning Pointe Alzheimer's Center of Excellence at Lexington

225 Ruccio Way, Lexington, KY
44 apartments
Just Opened

Morning Pointe of Louisville

Phase I: 53 Senior Living apartments/20 Lantern Alzheimer's
Construction to start Spring 2014.
Opening in 2015

The Lantern at Morning Pointe Alzheimer's Center of Excellence at Louisville

Phase II: 44 apartments.
Construction to start in 2015.
Opening in 2016

Tennessee

Morning Pointe of Chattanooga

Shallowford Road, Chattanooga
77 Assisted Living apartments
Opening Fall 2014

The Lantern at Morning Pointe Alzheimer's Center of Excellence at Chattanooga

7620 Shallowford Road, Chattanooga
60 Lantern Alzheimer's apartments
Opening Winter 2014

Morning Pointe of Powell

7700 Dannaher Drive, Knoxville, TN
53 Assisted Living apartments/20 Lantern Alzheimer's
Opening January 2014

Photo at right: Large wall mural at Morning Pointe of Lexington-East showcasing horse country in Kentucky.

Corporate Citizenship and Causes supported by IHP and its principals Greg A. Vital and Franklin Farrow

Alzheimer's Association	Chattanooga State Foundation	NatureBridge
American Heart Association	Chattanooga Symphony & Orchestra	North Chickamauga Creek Conservancy
ArtsBuild	Chattanooga Theatre Centre	Ooltewah-Collegedale Kiwanis Club
Bethany Christian Services	Cherokee Removal Memorial Park	Ooltewah High School Boys' Basketball
Bible in the Schools	Collegedale Academy Teams	Re:Start - The Center for Adult Education
Boy Scouts of America	Cornerstone Historic Preservation	Southern Adventist University
Boys and Girls Clubs of Chattanooga, Inc.	East Tennessee Symphony Orchestra	Southern Environmental Law Center
Brainerd Kiwanis Youth Foundation	Friends of Chickamauga and	Tennessee Future Business Leaders
Chattanooga Arboretum & Nature Center	Chattanooga National Military Park	Tennessee Preservation Trust
Chattanooga Ballet	Friends of Moccasin Bend National Park	Tennessee River Gorge Trust
Chattanooga Christian School	Friends of the Smokies	The Chattanooga Music Club
Chattanooga History Center	LaPaz Chattanooga	The Land Trust for Tennessee
Chattanooga Lookouts	Lula Lake Land Trust	The Samaritan Center
Chattanooga Nature Center	Make-A-Wish Foundation of East	The Spirit of America Foundation
Chattanooga Speech and Hearing Center	Tennessee	Trust for Public Land
Chattanooga State First-in-the-Family	McKamey Animal Center	United Way of Greater Chattanooga
Scholarships Fund	National Parks Conservation Association	WTCI

Community Citizenship

Morning Pointe Awards First Nursing Scholarship at Chattanooga State



Carlene Vital, Rose Saturday, scholarship recipient, Greg A. Vital, president and CEO of IHP and Morning Pointe.

Independent Healthcare Properties (IHP) awarded the first Morning Pointe endowed nursing scholarship to a Chattanooga State student. Rose Saturday, a second year nursing student from Hamilton County is the recipient of the tuition based full year scholarship for fall 2013. "There is such a high demand for quality nurses and a great shortage in the field, especially in senior healthcare," explained Greg. A. Vital, president and CEO of Morning Pointe and IHP, "that we wanted to try and do what we could to help nursing students complete their education and go on to have a successful career in the field."

The scholarship endowment was started in 2008 by Morning Pointe owners Greg A. Vital and Franklin Farrow. Requirements for the scholarship include residency in Hamilton, Bradley or Meigs County, outstanding promise in character and academic performance and an interest in gerontology. Saturday was selected from a dozen applicants.

Every year, IHP and Morning Pointe will select a Chattanooga State nursing student and grant a full tuition based scholarship for one school year.

Morning Pointe Partners with Habitat for Humanity



Jerry McRoberts, Habitat for Humanity, Lisa Holstein, Morning Pointe of Franklin Executive Director, Brandi Shockley, the new homeowner, Neva Teipen, Morning Pointe resident and volunteer and LeeAnn Wilbur, the director over the project proudly standing in front of the Habitat home under construction.

Residents of Morning Pointe of Franklin, (IN) helped with Habitat for Humanity's first all-women's build in Johnson County (IN). The seniors made sure all of the workers were well-fed during a recent work day.

The assisted living community stepped up to the challenge after a last minute cancellation. Residents worked hard preparing homemade banana nut muffins, brownies, cookies, sub sandwiches and fresh fruit salad along with a relish tray, spinach and artichoke dips. The seniors then got up early, delivered the meals and stayed and served all of the Habitat for Humanity volunteer workers.

Morning Pointe Makes Emergency Room Baskets for Families



Morning Pointe of Chattanooga resident Nita Bankston dropping off a 'Morning Pointe Snack Basket' for families in the ER waiting room at Parkridge Hospital.

Seniors at Morning Pointe of Chattanooga voted to focus on families waiting in area emergency rooms for their community service project. So, they decided to make "Morning Pointe Snack Baskets" complete with reading material for families who find themselves unexpectedly in the emergency room and not prepared for the often long wait. The assisted living residents dropped off the baskets at Memorial Hospital and Parkridge.

Property Listings and Locations



ALABAMA

Morning Pointe of Tuscaloosa

GEORGIA

Morning Pointe of Calhoun

INDIANA

Morning Pointe of Franklin

KENTUCKY

Morning Pointe of Frankfort

Morning Pointe of Lexington

Morning Pointe of Lexington-East

Morning Pointe of Louisville*

Morning Pointe of Richmond

Morning Pointe Ridge

The Lantern at Morning Pointe of Frankfort

The Lantern at Morning Pointe of Lexington

TENNESSEE

Morning Pointe of Athens

Morning Pointe of Brentwood

Morning Pointe of Chattanooga *

Morning Pointe of Clinton

Morning Pointe of Collegedale at Greenbriar Cove

Morning Pointe of Columbia

Morning Pointe of Greeneville

Morning Pointe of Hixson

Morning Pointe of Lenoir City

Morning Pointe of Powell *

Morning Pointe of Tullahoma

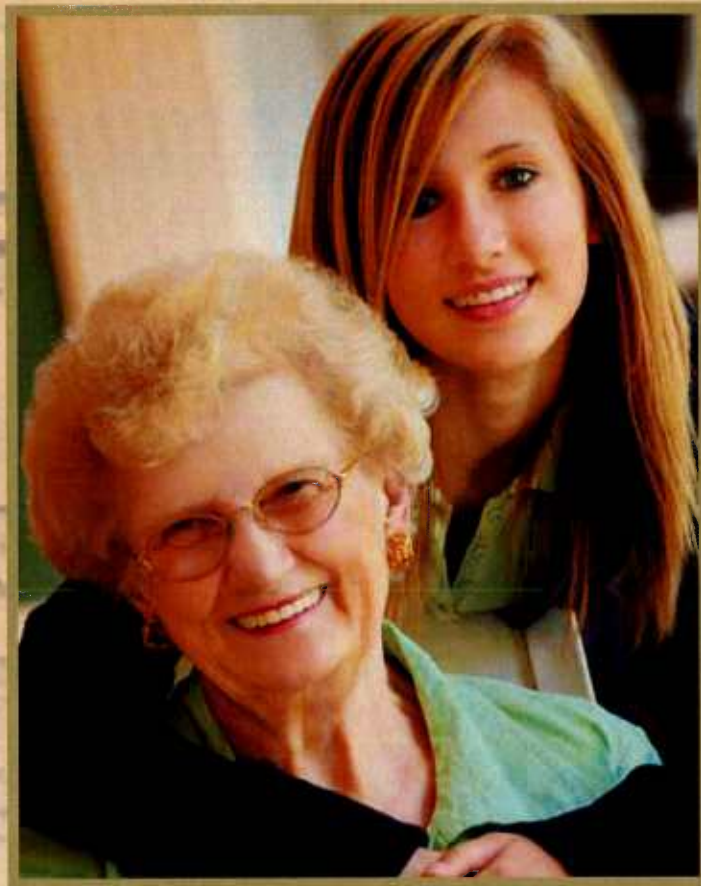
The Lantern at Morning Pointe of Chattanooga

The Lantern at Morning Pointe of Collegedale

The Lantern at Morning Pointe of Lenoir City

* Under construction

For Generations to Come.



- Assisted Living
- Alzheimer's Center of Excellence
- Senior Living

Independent Healthcare Properties, LLC

P.O. Box 249, 8325 Highway 60 | Georgetown, TN 37336 | (P) 423.339.3050 | (F) 423.339.2105



You Tube



www.morningpointe.com





Morning Pointe

Senior Residence / Alzheimer's Care



PROPOSED FINDINGS OF FACT
FOR CONDITIONAL USE PERMIT

INDEPENDENT HEALTHCARE PROPERTIES – MORNING POINTE OF LOUISVILLE
4701 – 4711 S. HURSTBOURNE PARKWAY
(f/k/a 8300 STILLMEADOW DRIVE)
CASE NO. 13CUP1009

APRIL 1, 2014

WHEREAS, the Louisville Metro Board of Zoning Adjustment 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 conditional use permit to operate a personal care facility (nursing home) on the property located 4701 – 4711 S. Hurstbourne Parkway complies with the Cornerstone 2020 Comprehensive Plan because the Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas; the Neighborhood Form should contain diverse housing types in order to provide housing choices for differing ages and incomes, as well as provide for accessibility and connectivity between adjacent uses and neighborhoods; the proposed development will provide an alternative housing option for seniors, which currently does not exist in the area; the facility will have a chapel, theater, dining room, courtyards, a coffee shop, an exercise area, and many activities which encourage independence and socialization; the buildings are compatible with the general character of the surrounding neighborhoods in terms of height, scale, intensity, lighting, and appearance; the proposed buildings will be one story in height and will be residential in character; the site will incorporate low level lighting and will be adequately landscaped and buffered from the adjoining residential neighborhood to the east; a 30-foot parkway buffer will be provided along S. Hurstbourne Parkway and will include a 4 board horse fence and landscape plantings in accordance with Land Development Code requirements;

WHEREAS, the Board further finds the proposed conditional use permit will promote the general health, safety and welfare, and will not have a negative effect on neighboring properties because access to the subject property will be from S. Hurstbourne Parkway; a left turn lane will be constructed on southbound S. Hurstbourne to ensure that traffic impacts are adequately mitigated; parking spaces are provided on site to meet Land Development Code requirements, including handicap-accessible spaces as required by the ADA; the subject property is located above the 100-year floodplain, does not contain steep slopes, unstable soils, or blueline streams and, as a

result, there are no environmental constraints that would affect the development of the property; onsite stormwater detention will be provided to ensure proper stormwater handling and release management that will not adversely affect adjacent or nearby properties; the drainage plans are required to receive approval from MSD prior to beginning construction; in addition, 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; interior landscape areas and tree canopy will meet or exceed Land Development Code requirements and will break up the parking areas and enhance the overall aesthetics of the site; and all necessary public utilities are available and the property is served by the Jeffersontown Fire Department;

WHEREAS, the Board further finds the proposed development complies with the listed requirements in Section 4.2.39. of the Land Development Code because all buildings are located at least 30 feet from the property lines; in addition, the one sign proposed will be 40 square feet in area and 8 feet in height, which is within the parameters of what is allowed along major arterial roadways in the Neighborhood Form District;

61147464.1

PROPOSED FINDINGS OF FACT FOR LANDSCAPE WAIVER

**INDEPENDENT HEALTHCARE PROPERTIES – MORNING POINTE OF LOUISVILLE
4701 – 4711 S. HURSTBOURNE PARKWAY
(f/k/a 8300 STILLMEADOW DRIVE)
CASE NO. 13CUP1009**

APRIL 1, 2014

WHEREAS, the Louisville Metro Board of Zoning Adjustment 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 10.2.4.B. of the Land Development Code to allow a proposed sewer and drainage easement to encroach into the 25-foot landscape buffer area along the north and east property lines by more than 50% will not adversely affect adjacent property owners because the required 25-foot landscape buffer area is being provided along the north and east property lines and landscape plantings will be installed in accordance with Land Development Code requirements; the requested waiver will not violate the Comprehensive Plan for all the reasons set forth in the justification statement for the conditional use permit, including that the development will be extensively landscaped throughout and will meet or exceed the minimum requirements of the Land Development Code in the vehicle use areas and adjacent to the existing residential uses;

WHEREAS, the Board further finds the extent of the requested waiver is the minimum necessary to afford relief to the applicant because the location of the sewer and drainage easement is mandated by MSD; and the development plan otherwise complies with all landscaping and tree canopy requirements of the Land Development Code requirements;

WHEREAS, the Board further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance of the requested regulation to be waived, including courtyards, large open space areas, low level lighting, residential building character, and high quality architectural design features;