



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16waiver1009 Intake Staff: A
Date: 4/5/16 Fee: 2

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section Table 8.3.2 Campus

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: Waiver to allow attached signage within Campus form district for residential multifamily land use

Primary Project Address: 9202 Bunsen Park Drive, Louisville, KY 40220

Additional Address(es): _____

Primary Parcel ID: 003800200000

Additional Parcel ID(s): _____

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Proposed Use: N/A Existing Use: Multifamily Residential

Existing Zoning District: R-6 Existing Form District: Campus

Deed Book(s) / Page Numbers²: DB.8491 PG. 1

The subject property contains 19.56 acres. Number of Adjoining Property Owners: 10

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 14ZONE1060 (Rezone) Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

See attached for justification.

2. Will the waiver violate the Comprehensive Plan?

See attached for justification.

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3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

See attached for justification.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

See attached for justification.

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Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Kelly Koenig, its Development Coordinator

Name: Kelly Koenig, its Development Coordinator

Company: Continental 325 Fund LLC and Continental Properties Company Inc., its manager

Company: Continental 325 Fund LLC and Continental Properties Company Inc., its manager

Address: W134 N8675 Executive Parkway

Address: Address: W134 N8675 Executive

City: Menomonee Falls State: WI Zip: 53051

City: Menomonee Falls State: WI Zip: 53051

Primary Phone: 262-502-5500

Primary Phone: 262-502-5500

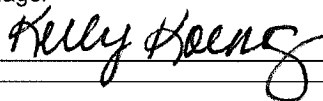
Alternate Phone: 262-532-9355

Alternate Phone: 262-532-9355

Email: kkoenig@cproperties.com

Email: kkoenig@cproperties.com

Owner Signature (required): Continental 325 Fund LLC and Continental Properties Company Inc., its manager
By: Kelly Koenig
Its: Development Coordinator

SIGN: 

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: Bill Bardenwerper

Name: Davis Mindel

Company: Bardenwerper, Talbott & Roberts PLLC

Company: Mindel, Scott & Associates, Inc.

Address: Building Industry Association of Greater Louisville Bldg 2nd Floor

Address: 5151 Jefferson Blvd

City: Louisville State: KY Zip: 40223

City: Louisville State: KY Zip: 40219

Primary Phone: 502-419-7333

Primary Phone: 502-485-1508

Alternate Phone: 502-426-6688

Alternate Phone: _____

Email: wbb@bardlaw.net

Email: dmindel@mindelscott.com

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Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Kelly Koenig, in my capacity as Development Coordinator, hereby representative/authorized agent/other

certify that Continental 325 Fund LLC and Continental Properties Company Inc., its manager is (are) the owner(s) name of LLC / corporation / partnership / association / etc.

of the property which is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

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Continental 325 Fund LLC
 Continental Properties Company Inc., its manager
 W134 N8675 Executive Parkway
 Menomonee Falls, WI 53051
 By: Kelly Koenig, its Development Coordinator

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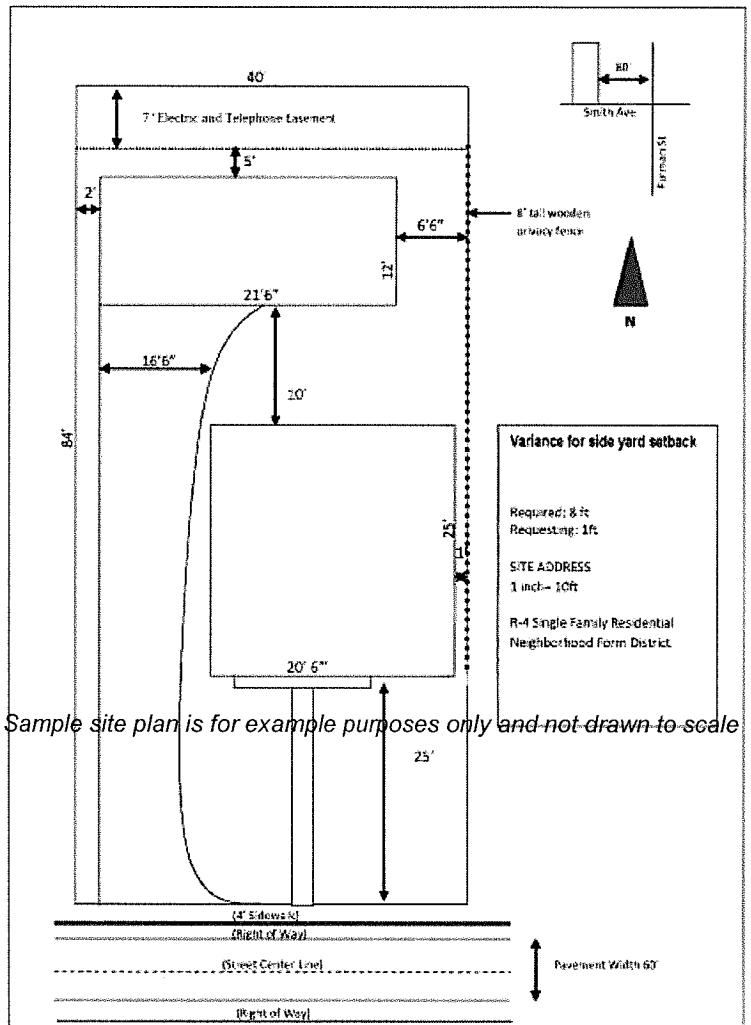
Signature: Kelly Koenig

Date: 3/31/2016

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

Please submit the completed application along with the following items:

- Land Development Report¹
- Three copies of the site plan or building rendering (whichever is applicable), including the following elements. *See site plan example below.*
 - Plan drawn to a reasonable scale [engineer's scale (1" = 20') or architect's scale (1/8" = 1')]
 - Vicinity map that shows the distance from the property to the nearest intersecting street
 - North arrow
 - Street name(s) abutting the site
 - Property dimensions
 - Building limit lines
 - Electric, telephone, drainage easements with dimensions – N/A
 - Existing and proposed structures with dimensions and distance from property lines
 - Highlight (in yellow) the location of the waivers
- One set of mailing label sheets for: 1st tier Adjoining Property Owners (APOs)³; those listed on the application; and individuals who provided oral or written testimony in support or opposition of previous public hearing regarding the site
- One copy of the APO mailing label sheets
- \$215 Application Fee + \$1 per mailing label (Cash, charge or check made payable to Planning & Design Services)



Resources:

1. Land Development Reports can be obtained online by entering the site address at: <http://ags2.lojic.org/lojiconline/>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <http://www.landrecords.jcc.ky.gov/records/S0Search.html>
3. Adjoining property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504 or via their website: <https://jeffersonpva.ky.gov/>
4. View agency comments at: <http://portal.louisvilleky.gov/codesandregs/mainsearch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

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March 31, 2016

RE: Continental 325 Fund LLC – Springs at Hurstbourne General Waiver Application
9202 Bunsen Park Drive, Louisville, KY 40220

Dear Case Manager:

Continental 325 Fund LLC (“Continental”) is currently under construction on a Class-A, market-rate apartment community known as the Springs at Hurstbourne, located at 9202 Bunsen Park Drive, Louisville, KY. In alignment with our high quality communities, the Springs has a master signage plan, prepared by Sign Systems, Inc., which coordinates all signage to be placed throughout the Springs. Among other components, the signage master plan proposes attached wall signage on three (3) sides of the clubhouse tower and is the focus of the general waiver request.

The Springs at Hurstbourne was presented for rezoning as case #14ZONE1060 to Planning Commission on March 19th, 2015 and again on April 2, 2015. Ordinance No. 076, Series 2015 approved on May 15, 2015 documents the successful property rezoning to R-6 Residential Multi-Family. The property contains approximately 19.5 acres and is located in the Campus Form District. Within the original submittals presented at Planning Commission, clubhouse elevations showing signage on the front, left, and right elevations were included. Binding element #7 on the approved Detailed District Development Plan states: *“The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 19th, 2015 Planning Commission meeting.”* Upon reviewing the binding elements with Staff, it was determined that this language would not be applicable to signage approvals.

In reviewing the Louisville Metro Land Development Code (“the Code”) for attached signs in the Campus Form District for residential developments, it was found that the Code does not anticipate this type of signage. In fact, the Code does not state whether or not this type of signage is permitted or prohibited within the Form District. At the recommendation of Staff, Continental would like to formally request a general waiver to the Land Development Code to approve attached signs for a residential use in the Campus Form District

Attached Signs:

The Enclosed master sign package illustrates the proposed signage, which includes three (3) wall signs to be attached to the clubhouse tower element, on the front, left and right façade. Each sign will be composed of halo illuminated reverse channel letters, spelling out “SPRINGS” and then mounted individually to the tower of the clubhouse.

The proposed attached signage is shown to meet, or is a reduction to the table 8.3.2 Campus Form District. Continental proposes signage on only three of the four façades of the clubhouse. In regard to other land uses, Campus Form District allows up to twelve (12) attached signs (three (3) attached signs per façade), but Continental would propose only one (1) for each façade, totaling three (3) signs.

| | Façade Area Sq. Ft. | Allowed Sq. Ft. | Proposed Sq. Ft. |
|--------------|---------------------|-----------------|------------------|
| Front Façade | 1615 | 205.75 | 28 |
| Left Façade | 1196 | 184.80 | 28 |
| Right Façade | 1264 | 188.20 | 28 |

Based on the ordinance, the Campus Form District would allow 578.75 square feet of signage between each of three facades. Continental, however, only proposes a total of 84 sq. ft. for attached signage. This is a 494.75 square foot reduction from allowable attached signage area for other land uses within the Campus Form

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District. Continental has chosen to not maximize the allowable sign area, due to proposed signage complementing the design of the clubhouse, and considering aesthetics of the overall community.

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent property owners because the Springs is relatively isolated from other residentially zoned properties in the area. In addition, due to existing wetlands and other site constraints, the clubhouse has a significant setback from the property lines and therefore attached signs will have little visibility from the adjacent residential neighborhoods.

2. Will the waiver violate the Comprehensive Plan?

The waiver is consistent with the city's Comprehensive Plan because it will promote the Springs within a residential neighborhood as a livable, attractive, mobile, efficient and environmentally sensitive community, while also contributing to the overall character of the area. The proposed signage supports and enhances the campus setting as a self-contained pattern of development that serves the daily needs of workers and residents. Traffic speeds on both Bunsen Park Drive and Bunsen Parkway are 25 mph, and therefore signs will not distract drivers, but rather provide guidance to the clubhouse location. Attached signage is designed to unify the entire Springs community while being both tasteful and yet understated with unobtrusive lighting to not only identify the site, but also strengthen the identity of the district, which is consistent with the Comprehensive Plan.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The request of the waiver is simply to allow the existing code requirements within the Campus Form District to apply to a residential land use within said form district. Therefore, sign modifications do not exceed what is already permitted within the Campus Form District.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Continental has included numerous design features on site that exceed the minimums of the district. Specific to the clubhouse, the structure has been pulled away from the property boundary significantly to minimize impacts to adjacent residential neighborhoods- approximately 125' away from the property line at its closest point, where the approved LBA is only 15'. In addition, the strict application of the provisions (or lack in addressing provisions for residential land uses), will create an unnecessary hardship because the commercial clubhouse signage is needed to guide in both existing and potential residents alike. The signage depicts the tenant clubhouse location within the site, and is used for branding purposes on each Springs community.

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Land Development Report

March 29, 2016 4:51 PM

About LDC

Location

Parcel ID: 003800200000
Parcel LRSN: 8300227
 Address: MULTIPLE ADDRESSES

Zoning

Zoning: R6
Form District: CAMPUS
Plan Certain #: 14ZONE1060
Proposed Subdivision Name: BLOWING TREE ROAD ROW
 Proposed Subdivision Docket #: 15-010-21
Current Subdivision Name: NONE
 Plat Book - Page: NONE
Related Cases: NONE

Special Review Districts

Overlay District: NO
Historic Preservation District: NONE
 National Register District: NONE
Urban Renewal: NO
Enterprise Zone: NO
 System Development District: NO
 Historic Site: NO

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Environmental Constraints

Flood Prone Area
FEMA Floodplain Review Zone: NO
FEMA Floodway Review Zone: NO
Floodplain Ordinance Review Zone: NO
Conveyance Zone Review Zone: NO
FEMA FIRM Panel: 21111C0046E, 21111C0047E

Protected Waterways
 Potential Wetland (Hydric Soil): YES
 Streams (Approximate): NO
 Surface Water (Approximate): NO

Slopes & Soils
Potential Steep Slope: NO
 Unstable Soil: NO

Geology
Karst Terrain: YES

Sewer & Drainage

MSD Property Service Connection: YES
 Sewer Recapture Fee Area: NO
 Drainage Credit Program: MS4 (outside of incentive area)

Services

Municipality: LOUISVILLE
 Council District: 18
 Fire Protection District: McMAHAN
 Urban Service District: NO

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Springs at Hurstbourne Mailing - Signage Waiver Review

| Property | Name | Address |
|----------|----------------------------------|----------------------|
| 1 | BULLITT, WM M ESTATE BEARGRASS | 9104 BLOWING TREE RD |
| 2 | BULLITT, WM M ESTATE BEARGRASS | 9001 LIMEHOUSE LN |
| 3 | KENTUCKY, FARM BUREAU FEDERATION | 9201 BUNSEN PKWY |
| 4 | EAST, CHASE LTD PTR | 1600 HUNNINGTON PL |
| 5 | 1701, HUNNINGTON PLACE LLC | 1701 HUNNINGTON PL |
| 6 | SILVERLAKE, PARTNERS LLC | 9390 BUNSEN PKWY |
| 7 | JUSTIN P GOOCH | 9108 BLOWING TREE RD |
| 8 | HOMER C & EMOGENE FISHBURN | 9117 BLOWING TREE RD |
| 9 | MARY P THOMPSON | 9115 BLOWING TREE RD |
| 10 | NIKOLA & DJUJA BAJIC | 9113 BLOWING TREE RD |

Applicants

| | |
|---|---|
| 11 Continental 325 Fund LLC, Kelly Koenig | W134 N8675 Executive Parkway, Menomonee Falls, WI 53051 |
| 12 Bill Bardenwerper | 1000 North Hurstbourne Parkway, Louisville, KY 40223 |
| 13 Davis Mindel, Mindel, Scott & Associates, Inc. | 5151 Jefferson Blvd, Louisville, KY 40219 |

Those spoke in favor at 4/2/15 PC meeting

| | |
|---------------------------|--|
| 12 Bill Bardenwerper | 1000 North Hurstbourne Parkway, Louisville, KY 40223 |
| 14 Jim Lobb, Weber & Rose | 471 West Main Street, Suite 400, Louisville KY 40202 |

Those spoke in opposition at 4/2/15 PC meeting

None

Those spoke in favor at 3/19/15 PC meeting

| | |
|---|--|
| 12 Bill Bardenwerper | 1000 North Hurstbourne Parkway, Louisville, KY 40223 |
| 15 Kent Gooatee, Mindel, Scott & Associates | 5151 Jefferson Boulevard, Louisville, KY 40219 |

TThose spoke in opposition at 3/19/15 PC meeting

| | |
|------------------|--|
| 16 Margaret Bode | 1804 Wesley Avenue, Louisville, KY 40220 |
| 17 Martin Dunn | 9103 Blowing Tree Road, Louisville, KY 40220 |

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BULLITT, WM M ESTATE BEARGRASS
9104 BLOWING TREE RD
LOUISVILLE, KY 40220

Bill Bardenwerper
1000 North Hurstbourne Parkway
Louisville, KY 40223

BULLITT, WM M ESTATE BEARGRASS
9001 LIMEHOUSE LN
LOUISVILLE, KY 40220

Jim Lobb
Weber & Rose
471 West Main Street, Suite 400
Louisville KY 40202

KENTUCKY FARM BUREAU FEDERATION
9201 BUNSEN PKWY
LOUISVILLE, KY 40220

Continental 325 Fund LLC
Kelly Koenig
W134 N8675 Executive Parkway
Menomonee Falls, WI 53051

EAST, CHASE LTD PTR
1600 HUNNINGTON PL
LOUISVILLE, KY 40220

Davis Mindel
Mindel, Scott & Associates, Inc.
5151 Jefferson Blvd
Louisville, KY 40219

HUNNINGTON PLACE LLC
1701 HUNNINGTON PL
LOUISVILLE, KY 40220

Kent Gootee
Mindel, Scott & Associates
5151 Jefferson Boulevard
Louisville, KY 40219

SILVERLAKE, PARTNERS LLC
9390 BUNSEN PKWY
LOUISVILLE, KY 40220

Margaret Bode
1804 Wesley Avenue, Louisville, KY
40220

JUSTIN P GOOCH
9108 BLOWING TREE RD
LOUISVILLE, KY 40220

Martin Dunn
9103 Blowing Tree Road
Louisville, KY 40220

HOMER C & EMOGENE FISHBURN
9117 BLOWING TREE RD
LOUISVILLE, KY 40220

MARY P THOMPSON
9115 BLOWING TREE RD
LOUISVILLE, KY 40220

NIKOLA & DJUJA BAJIC
9113 BLOWING TREE RD
LOUISVILLE, KY 40220