



Variance Application

Louisville Metro Planning & Design Services

Case No.: 23-VARIANCE-0004 Intake Staff: KD

Date: 1/9/2023 Fee: \$760.00

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:

This is a variance from Section 5.2.3.D.3.e of the Land Development Code, to allow The building height to exceed the maximum permitted.

Primary Project Address: 700 East Main Street

Additional Address(es): NA

Primary Parcel ID: 017D01440000

Additional Parcel ID(s): NA

Proposed Use: Mixed use development Existing Use: undeveloped

Existing Zoning District: EZ-1 Existing Form District: TMC

Deed Book(s) / Page Numbers²: D.B. 12137, Page 457

The subject property contains 2.5 acres. Number of Adjoining Property Owners: _____

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 #: 19-CAT3-0011

Docket/Case #: 19-VARIANCE-0010

Docket/Case #: 16DEVPLAN1165

Docket/Case #: _____

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Contact Information:

Owner: ☐ Check if primary contact

Applicant: ☐ Check if primary contact

Name: Nick Campisano

Name: Martin Prus

Company: NULU Central Station

Company: Zyyo

Address: 1 World trade Ctr Ste 46B

Address: Same As Owner

City: New York State: NY Zip: 10007

City: _____ State: _____ Zip: _____

Primary Phone: 212-203-2224

Primary Phone: 212-203-1034

Alternate Phone: _____

Alternate Phone: _____

Email: nick@zyyo.com

Email: martin@zyyo.com

Owner Signature (required):

Nick Campisano

Attorney: ☐ Check if primary contact

Plan prepared by: ☒ Check if primary contact

Name: NA

Name: Ann Richard RLA

Company: _____

Company: Land Design & Development Inc

Address: _____

Address: 503 Washburn Ave

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40222

Primary Phone: _____

Primary Phone: 502-426-9374

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: richard@ldd-inc.com

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, Nick Campisano, in my capacity as Manager, hereby
representative/authorized agent/other

certify that NULU Central Station LLC is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

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

Signature: *Nick Campisano*

Date: 01/09/2022

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.

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Variance Application – Planning & Design Services

PLANNING & DESIGN
SERVICES

23-VARIANCE-0004

Variance Justification:

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

- 1. Explain how the variance will not adversely affect the public health, safety or welfare.**

Building height is not a public health, safety or welfare issue.

- 2. Explain how the variance will not alter the essential character of the general vicinity.**

The bldg hghts are variable in the general area with the development on the opposite side of Main Street being 7 stories.

- 3. Explain how the variance will not cause a hazard or a nuisance to the public.**

Bldg hght has visual impact and does not cause a hazard or nuisance to the public.

- 4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The variance will not circumvent requirements because the proposed building façade design is active and attractive and will add animation to the general area.

Additional consideration:

- 1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The building height is needed to provide a parking garage to provide sufficient on site parking. The parking garage will alleviate strain on the onstreet parking.

- 2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

Without the variance the development is not economically feasible because the necessary mixed uses and number of dwelling units cannot be provided as well as the onsite parking garage.

- 3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

The circumstances are not the result of the applicant but rather created by the cost of adaptive re-use of urban infill sites.

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Please submit the completed application along with the following items:

Project application and description

- ☒ Land Development Report¹
- ☒ A copy of the current recorded deed² (*must show "End of Document" stamp on last page*)
- ☒ Legal description on a separate 8.5 x 11" sheet of paper

Site plan, drawings, and photographs

- ☒ One elevation drawing for new construction (including home additions, garage additions, and fences)
- ☐ Six copies of the site plan or building rendering (whichever is applicable), including the following elements. LOJIC maps are not acceptable. *See site plan example on the last page.*
 - ☐ 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 address, parcel ID, and dimensions
 - ☐ Building limit lines
 - ☐ Electric, telephone, drainage easements with dimensions
 - ☐ Existing and proposed structures with dimensions and distance from property lines
 - ☐ Highlight (in yellow) the location of the variances

Supplemental documentation

- ☐ A copy of Refusal Letter from citing official, if applicable (**required** if a STOP WORK ORDER or CITATION has been received)
- ☐ If the proposed structure encroaches into an easement (MSD, LG&E, or Bell South), then the applicant must submit written documentation from the utility company indicating approval for the encroachment

Mailing labels to notify Adjoining Property Owners (APOs)³

- ☒ One set of legible mailing label sheets for: 1st tier APOs and those listed on the application
- ☒ One copy of the APO mailing label sheets

Requirements for Non-Public Hearing Applications Only

Eligible cases are heard in the Business Session of Board of Zoning Adjustments (BOZA) meetings. All APOs must sign the attached Non-hearing affidavit indicating consent for the variance, as comments from the general public are not taken during this process.

- ☐ Non-Hearing Affidavit form (see pages 5-6)
- ☐ Photographs of the subject area from all angles

Fee (cash, charge or check made payable to Planning & Design Services)

- ☐ Application Fee: **\$100** for Single-Family Uses
\$300 for churches, parish halls, temples, schools and institutions of learning (except colleges, universities, trade, business or industrial schools), not-for-profit uses, and clubs, private non-profit
\$700 for All Other Uses

- ☐ Clerk's Fee: **\$60**
(If two or more applications are submitted simultaneously for the same site, only one clerk's fee is required)

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NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 1

Qualifications for a Non-Public Hearing include:

1. The Board of Zoning Adjustment may approve the following variances without a public hearing:
 - a. Side yard and rear yard variances to permit a detached garage which is accessory to a single-family residential use or any addition to a principal single-family structure;
 - b. Variances to permit a garage or building addition to cover more than 30% of the rear yard on property used for detached single-family residential use; (note, this provision applies to principle structures in the Neighborhood Form District (NFD) only. Accessory structures in the NFD can encroach up to 50% and cumulative encroachment of accessory and principal structures shall not exceed 50%. TNFD does not permit any encroachment into a rear yard.)
 - c. Variances to permit any building to be closer than the required minimum distance to another building on the same lot;
 - d. Variances to allow a reduction in the private yard area in the Traditional Neighborhood Form District;
 - e. Variances to allow the accessory structure/use area to exceed the maximum depth in the Traditional Neighborhood Form District.
 - f. A departure from a dimensional requirement of the Land Development Code of 10% or less.
2. All adjoining property owners must sign this affidavit. This includes all owners listed on the deed.
3. For each adjoining property that is held by a company, corporation, trust, etc. there must be a Certification Statement included with the affidavit.
4. All supporting documentation listed in the checklist must be included with the application.

Date: _____

I (We), _____, owner(s) of the subject property under Case # _____

states as follows: It is hereby requested that the application for variance under Case # _____ be considered by the Board in open executive session without holding a public hearing on the proposal.

The signatures of all adjoining property owners required by the Board of Zoning Adjustment's bylaws have been submitted to the Board so that the variance may be acted upon without a public hearing.

Print Name: _____ Signature of Owner: _____

Print Name: _____ Signature of Owner: _____

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NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: _____

We have seen a drawing of the proposed (e.g. garage, addition) _____
to be constructed at (address) _____.

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Please note: If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

1. Address: _____

Owner Name: _____ Signature: _____

Owner Name: _____ Signature: _____

2. Address: _____

Owner Name: _____ Signature: _____

Owner Name: _____ Signature: _____

3. Address: _____

Owner Name: _____ Signature: _____

Owner Name: _____ Signature: _____

4. Address: _____

Owner Name: _____ Signature: _____

Owner Name: _____ Signature: _____

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, _____, in my capacity as _____, hereby
representative/authorized agent/other

certify that _____ is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

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

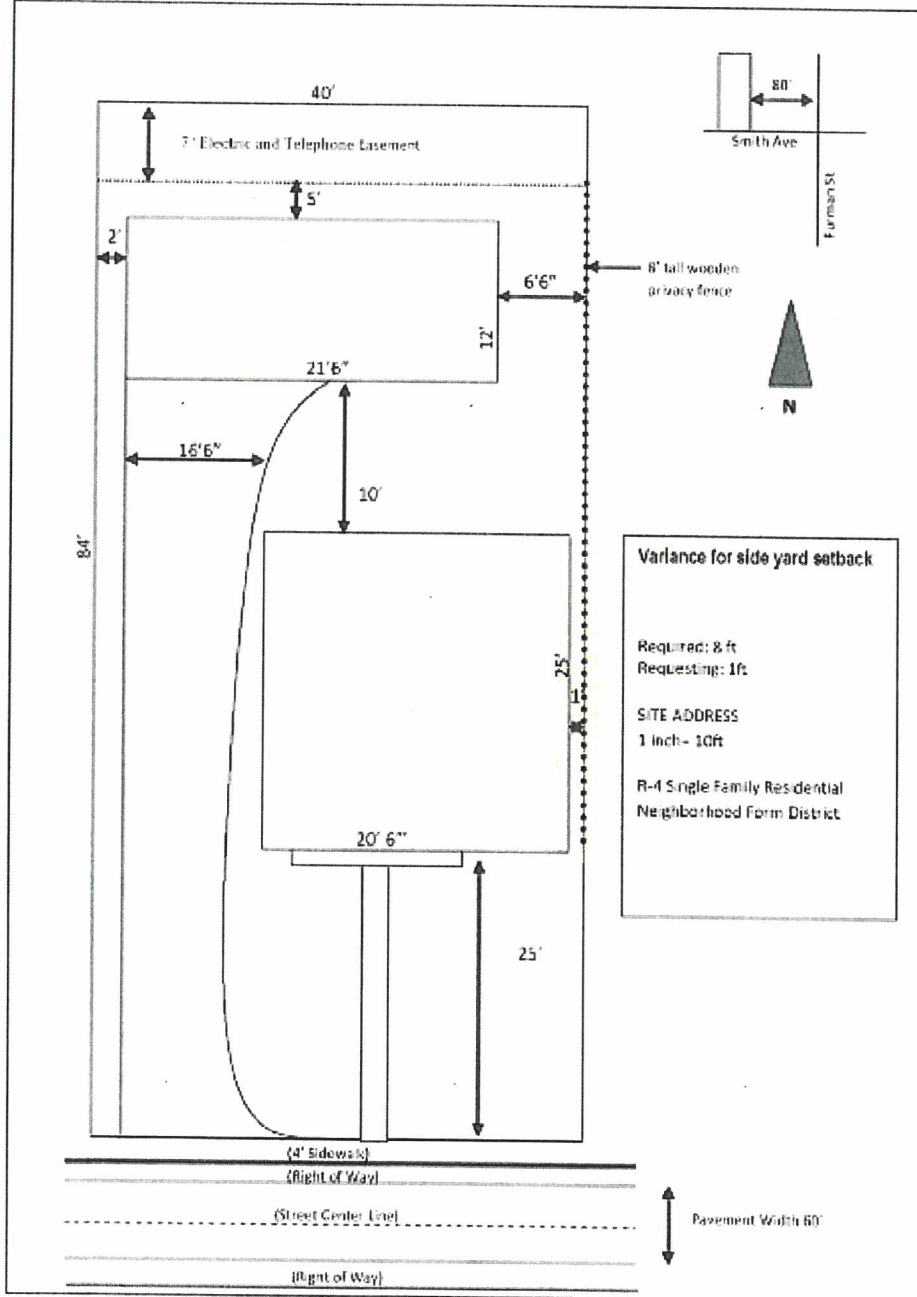
Signature: _____ Date: _____

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.

Resources:

1. Land Development Reports can be obtained online by entering the site address at: <https://www.lojic.org/lojic-online>
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: <https://search.jeffersondeeds.com>
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/property-search>

Sample site plan is for example purposes only and not drawn to scale



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Louisville-Jefferson County Metro Government

PLANNING AND DESIGN SERVICES

METRO DEVELOPMENT CENTER 444 SOUTH 5th STREET SUITE 300
LOUISVILLE, KENTUCKY 40202

Phone: (502) 574-6230 Website: <https://louisvilleky.gov/government/planning-design>

Variance Application

Case Number: 23-VARIANCE-0004

Submittal Date: 1/9/2023

Intake Staff: KD

Application Information

Primary Address: 700 E Main ST 40202
Primary Parcel Id: 017D01440000
Project Description: Mixed use development including commercial uses retail, office and multi-family residential
Project Name: NULU CROSSING

GENERAL INFORMATION

Deed Book Number 12137
Deed Page Number 457
Land Use General Commercial
Land Use Specific Office
Number of Meeting Notification Postcards 40
Variance Type All Other Uses

GIS INFORMATION

Council District 4
Current Subdivision Name NONE
Fire Protection District CITY OF LOUISVILLE
Form District TRADITIONAL MARKETPLACE CORRIDOR
Historic Preservation District NONE
Historic Site NO
Municipality LOUISVILLE
National Register District NONE
Overlay District NULU

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Plan Certain	NONE
Plat Book - Page	NONE
System Development District	NO
Zoning Code	EZ1

Owner Information

Name:

Address:

Contact Information

Type: Applicant

Name:

Address: 503 Washburn Avenue #101 STE 101
Louisville KY 40222

Phone: 5024269374

Email: richard@ldd-inc.com

Owner Certification Statement

Application Submitted By:

hereby certify that I am the owner of property subject of this application, or that I am authorized to submit this application on behalf of the owner(s) of the property. 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.

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LAND DESIGN & DEVELOPMENT, INC.
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
(502) 426-9374 FAX (502)426-9375

Letter of Explanation
700 East Main Street
NULU Crossings
(January 9, 2023)

The Applicant is proposing a mixed use development on property located on the south side of Main Street between South Shelby Street and South Clay Street. The property address is 700 East Main Street. The property is zoned EZ-1 and is in the Traditional Marketplace Form District and the NULU Overlay District.

The proposed development will include multi-family residential, office space and commercial uses including a grocery. An onsite garage parking will be provided. The parking garage will have one level below grade, and three (3) above grade. The parking garage will provide sufficient parking onsite to meet the requirements of the Louisville Metro Land Development Code. There will be three (3) vehicular ingress / egress curb cuts into the onsite parking garage. One each from East Main Street, South Shelby Street and South Clay Street. Trash collection will be inside the parking garage.

Residential amenities include an outdoor pool and patio area on the third floor.

A Variance is requested from the Louisville Metro Land Development Code from Section 5.2.3.D.3.e to permit the building height to exceed the maximum of 50 feet or four stories. The requested building height is 101'- 4" for 8 stories.

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23-VARIANCE-0004



Land Development Report

January 9, 2023 8:31 AM

[About](#) [LDC](#)

Location

Parcel ID: 017D01440000
Parcel LRSN: 8002188
Address: MULTIPLE ADDRESSES

Zoning

Zoning: EZ1
Form District: TRADITIONAL MARKETPLACE CORRIDOR
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: NONE
Plat Book - Page: NONE
Related Cases: 19-VARIANCE-0010

Special Review Districts

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

Environmental Constraints

Flood Prone Area

FEMA Floodplain Review Zone: NO
FEMA Floodway Review Zone: NO
Local Regulatory Floodplain Zone or Combined Sewer Floodprone Area: NO
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0026F

Protected Waterways

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

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: YES
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 4
Fire Protection District: LOUISVILLE #2
Urban Service District: YES

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Bobbie Holsclaw
Jefferson County Clerk's Office

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Jefferson County Clerk's Office.



INST # 2021231043

BATCH # 331299

JEFFERSON CO, KY FEE \$53.00

STATE OF KY DEED TAX \$7,525.00

PRESENTED ON: 09-15-2021 1 01:17:30 PM

LODGED BY: simplifile

RECORDED: 09-15-2021 01:17:30 PM

BOBBIE HOLSCLOW
CLERK

BY: ROXANN MCGAUGHEY
RECORDING CLERK

BK: D 12137

PG: 457-463

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527 W Jefferson St ~ Louisville, KY 40202 (502) 574-5700

JAN 09 2021

Website: www.jeffersoncountyclerk.org | Email: countyclerk@jeffersoncountyclerk.org

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SEP 11 2020

23-VARIANCE-0004

SPECIAL WARRANTY DEED

This SPECIAL WARRANTY DEED is made and entered into on the 13th day of August, 2021, by and among BCTS LOUISVILLE LLC, an Indiana limited liability company ("**Grantor**"), having an address of 941 N. Meridian Street, Indianapolis, IN 46204, Indianapolis, Indiana, and NULU CENTRAL STATION, LLC, a Delaware limited liability company ("**Grantee**"), having an address of One World Trade 46B New York, NY 10007.

The In-care of Address for Grantee, to which Tax Bills may be sent:

NuLu Central Station, LLC
One World Trade 46B
New York, NY 10007

WITNESSETH

For a total consideration of Seven Million Five Hundred Twenty Five Thousand Dollars (\$7,525,000.00), the receipt and sufficiency of which are acknowledged, Grantor grants and conveys to Grantee in fee simple with covenant of special warranty certain real property in Jefferson County, Kentucky (the "**Real Estate**"):

See Exhibit A attached hereto and made a part hereof by this reference.

This conveyance is subject to:

1. The lien of non-delinquent taxes and assessments;
2. All easements, restrictions, covenants, agreements and other matters of record;
3. all zoning, building and other governmental restrictions and regulations; and
4. All matters that would be disclosed by an accurate survey or diligent inspection of the Real Estate.

For purposes of KRS 382.135, Grantor and Grantee, by execution of this Deed, certify that the consideration reflected in this Deed is the full consideration paid for the Real Estate.

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Grantor, as its sole warranty herein, specially warrants to Grantee, its successors and assigns, that it will forever defend title to the Real Estate (subject to the matters to which this conveyance is hereinabove made subject) against only those claims of persons claiming to title to or asserting claims affecting title to the Real Estate, or any part thereof, by, through or under Grantor, but not otherwise.

[The rest of this page has been intentionally left blank.]

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IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 13th day of August, 2021.

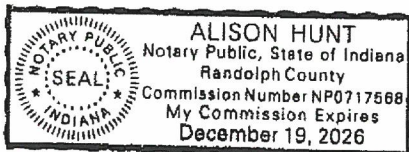
GRANTOR:

BCTS LOUISVILLE LLC, an Indiana limited liability company.

By: [Signature]
Christopher W. Myrvold,
Authorized Representative

STATE OF Indiana)
COUNTY OF Marion) SS:

The foregoing instrument was sworn to and acknowledged before me the 10th day of August, 2021, by Christopher W. Myrvold, as the Authorized Representative of BCTS Louisville LLC, an Indiana limited liability company.



Alison Danielle Hunt
Notary Public
Resident of Marion County

Commission expires: 12/19/2026

[Signatures continue on following page.]

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GRANTEE:

NULU CENTRAL STATION, LLC, a Delaware
limited liability company

By: Mark Nicholas Campisano
Name: Mark Nicholas Campisano
Title: Manager

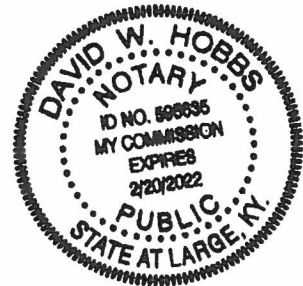
STATE OF Kentucky)
COUNTY OF Jefferson Meade) SS:

The foregoing instrument was sworn to and acknowledged before me the 13 day of August, 2021, by Mark Nicholas Campisano, as the Manager of NuLu Central Station, LLC, a Delaware limited liability company, on behalf of said entity.

[Signature]
Notary Public
Resident of Meade County

Commission expires: 2-20-22

[Signatures continue on following page.]



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Exhibit A to Deed

PARCEL 1: 700 EAST MAIN STREET; TAX PARCEL ID: 04-017D-0144-0000:

BEGINNING AT THE SOUTHEAST CORNER OF CLAY STREET AND MAIN STREET, THENCE EAST WITH THE SOUTH LINE OF MAIN STREET, 525 FEET TO THE WEST LINE OF SHELBY STREET; THENCE SOUTH WITH THE WEST LINE OF SHELBY STREET 204 FEET TO THE NORTH LINE OF AN ALLEY; THENCE WEST WITH THE NORTH LINE OF SAID ALLEY 525 FEET TO THE EAST LINE OF CLAY STREET; THENCE NORTH WITH THE EAST LINE OF CLAY STREET, 204 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED AS "PARCEL 1" TO BCTS LOUISVILLE, LLC, AN INDIANA LIMITED LIABILITY COMPANY BY THAT CERTAIN SPECIAL WARRANTY DEED, DATED JUNE 29, 2018, OF RECORD IN DEED BOOK 11192, PAGE 308, IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KENTUCKY.

THE FOREGOING PARCEL HAS NOW BEEN DESCRIBED BY A MODERNIZED LEGAL DESCRIPTION AS PLOTTED AND PREPARED BY KEITH D. CROWE, UPON A SURVEY DATED JUNE 13, 2018 AS PROJECT NUMBER 18522.000, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF EAST MAIN STREET WITH THE EAST RIGHT-OF-WAY LINE OF SOUTH CLAY STREET IN LOUISVILLE, JEFFERSON COUNTY, KENTUCKY, SAID POINT BEING REFERENCED BY A FOUND MAG NAIL WITH AN IDENTIFIER DISC STAMPED "THOMAS 3259" BEARING NORTH 36°55'55" WEST, 7.05 FEET; THENCE WITH THE SOUTH RIGHT-OF-WAY OF EAST MAIN STREET SOUTH 82°08'11" EAST, 525.31 FEET TO A FOUND "X"-CUT IN IN THE WEST RIGHT-OF-WAY LINE OF SOUTH SHELBY STREET, SAID POINT BEING ALSO REFERENCED BY A FOUND "X"-CUT BEARING NORTH 52°56'25" EAST, 7.06 FEET; THENCE WITH THE WEST RIGHT-OF-WAY LINE OF SOUTH SHELBY STREET SOUTH 08°00'58" WEST, 204.00 FEET TO A MAG NAIL WITH AN ALUMINUM IDENTIFIER DISC STAMPED "K. CROWE 2957" SET IN THE NORTH LINE OF BILLY GOAT STRUT ALLEY, THENCE WITH THE NORTH LINE OF BILLY GOAT STRUT ALLEY NORTH 82°08'11" WEST, 525.21 FEET TO A MAG NAIL WITH AN IDENTIFIER DISC STAMPED "THOMAS 3259" IN THE AFORESAID EAST RIGHT-OF-WAY LINE OF SOUTH CLAY STREET; THENCE WITH THE EAST RIGHT-OF-WAY LINE OF SOUTH CLAY STREET NORTH 07°59'17" EAST, 204.00 FEET TO THE BEGINNING, CONTAINING 2.460 ACRES OR 107,153 SQ. FT.

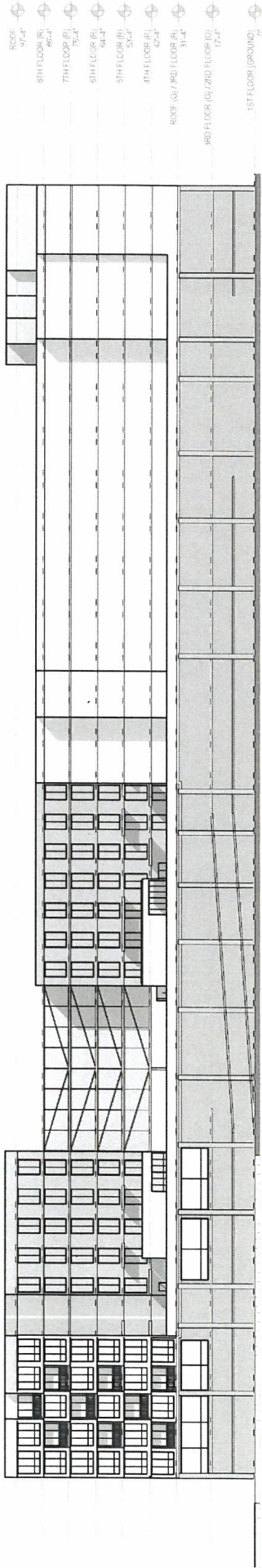
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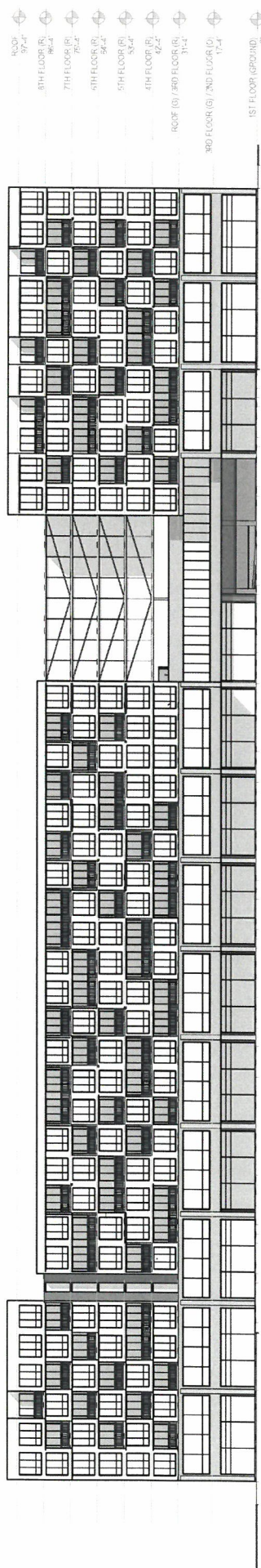
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END OF DOCUMENT

23-VARIANCE-0000



SOUTH ELEVATION



NORTH ELEVATION

NULU CROSSING

DRAWING SCALE: 1" = 40'-0"

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 01/06/23

01/06/23

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23-VARIANCE-0004



NULU CROSSING

DRAWING SCALE: 1" = 40'-0"

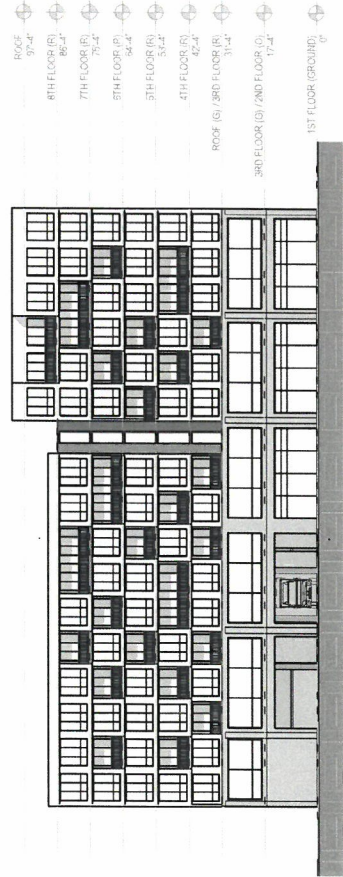
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01/06/23

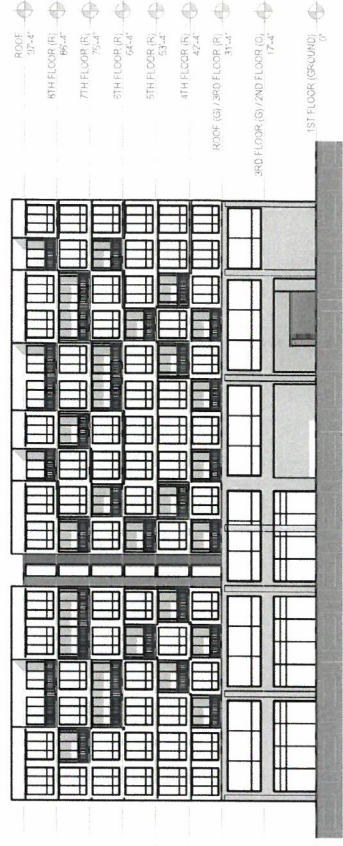
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23-VARIANCE-0004



EAST ELEVATION



WEST ELEVATION

