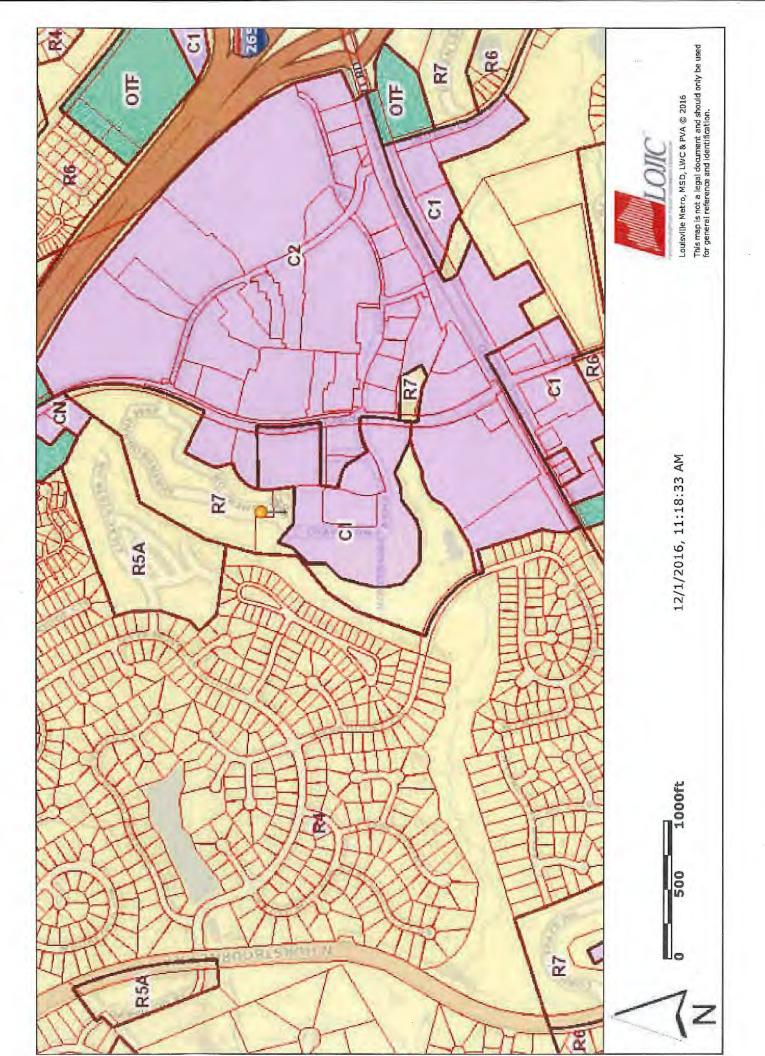
### EXHIBITS FOR APPLICANT Poe Companies, LLC 10455 Champion Farms Drive

#### Louisville Metro Board of Zoning Adjustment Case Nos. 16CUP1073 & 16Variance1092

- 1) Zoning Map
- 2) Site Photography
- 3) Development Plan
- 4) Building Renderings and Elevations
- 5) Conditional Use Permit Justification (LDC § 4.2.39 Off Street Parking)
- 6) Variance Justification (LDC § 5.3.1.C.5 Table 5.3.2) To Reduce The 50' Non-Residential To Residential Setback
- 7) Variance Justification (LDC § 5.3.2) To Allow The Building To Be 62' In Height

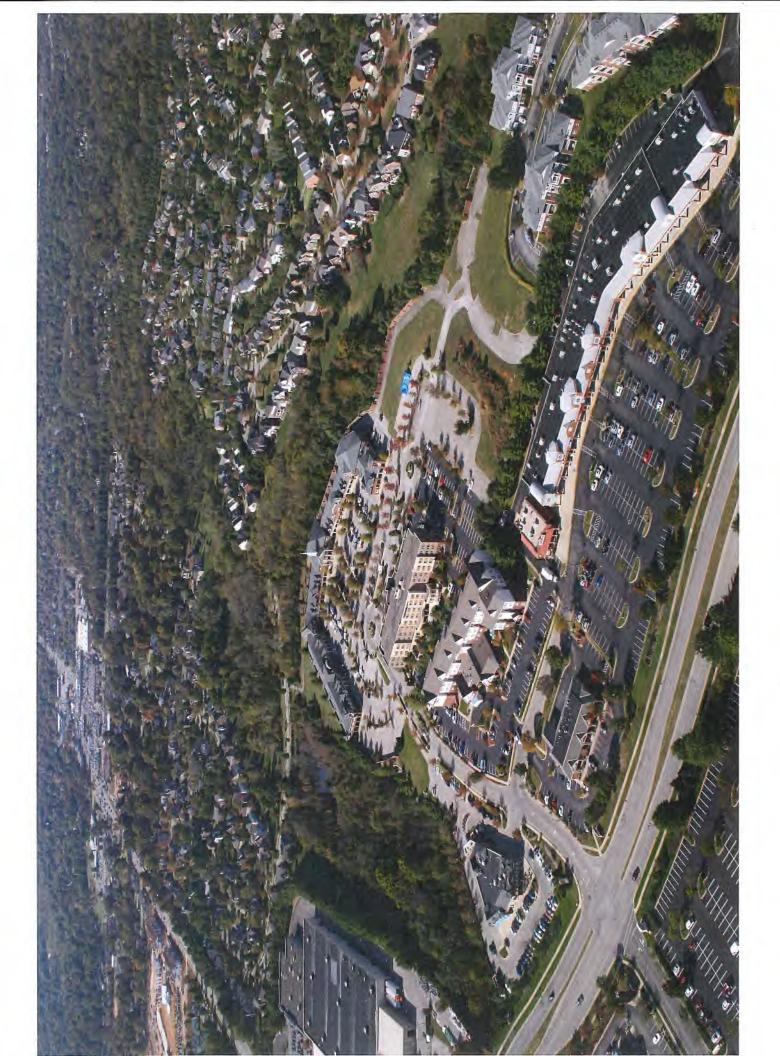
Glenn A. Price, Jr. Attorney for Applicant Frost Brown Todd LLC 400 West Market Street, 32<sup>nd</sup> Floor Louisville, Kentucky 40202 502/779-8511 gaprice@fbtlaw.com

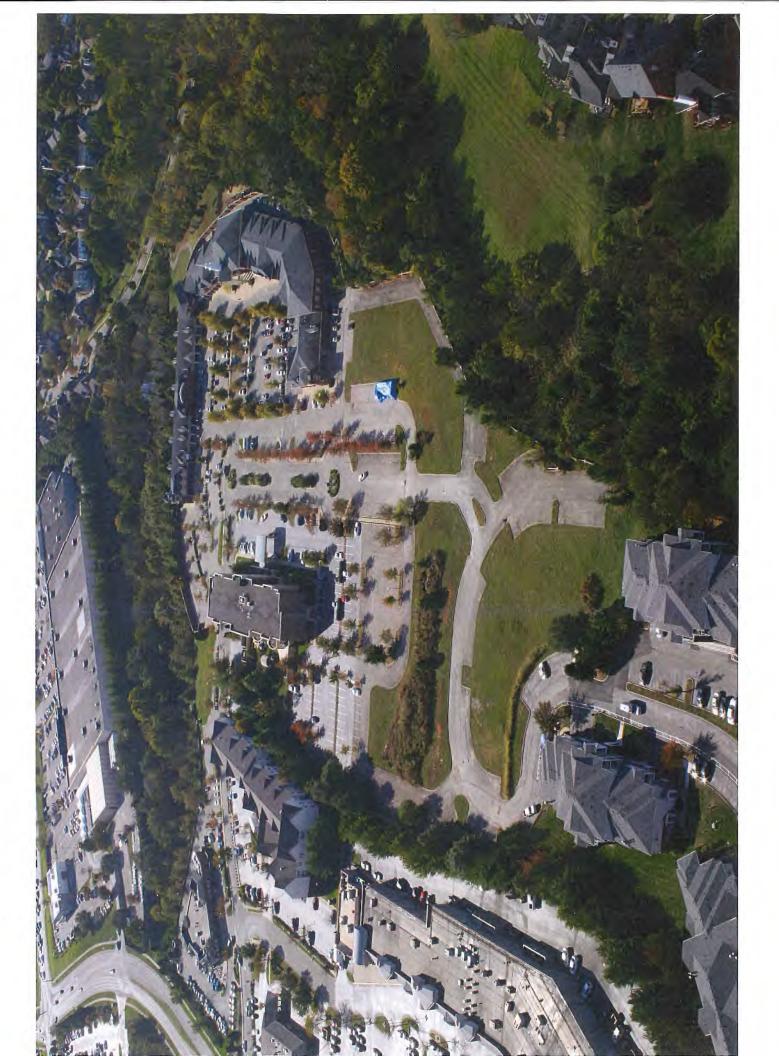


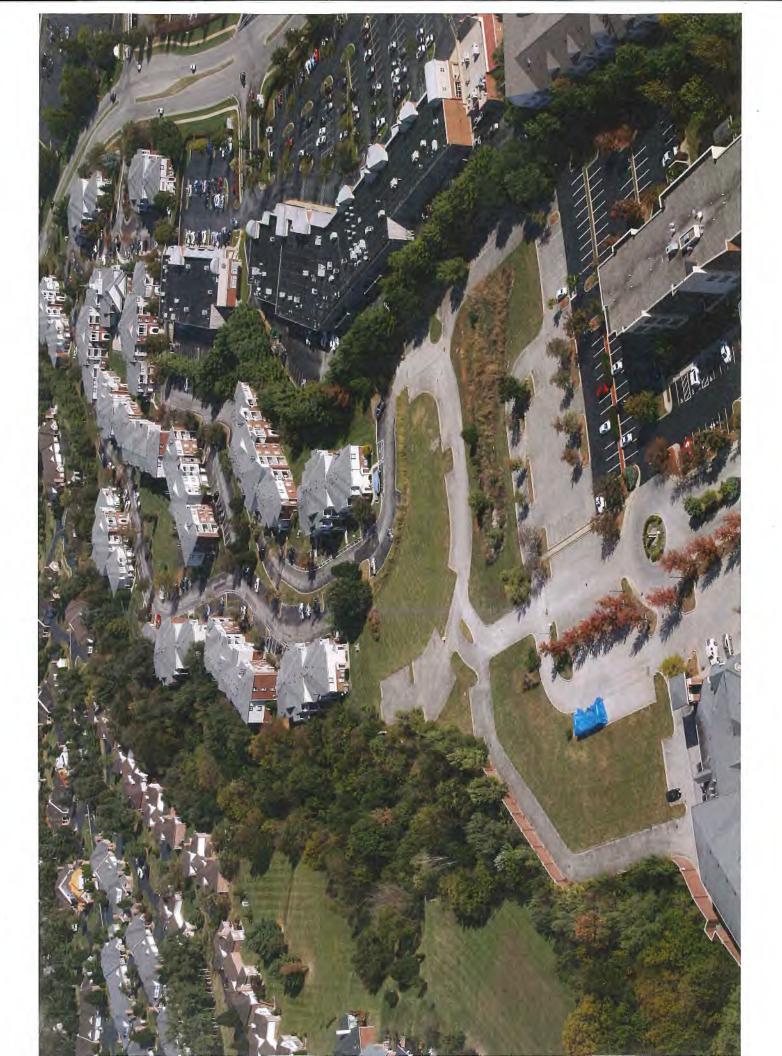


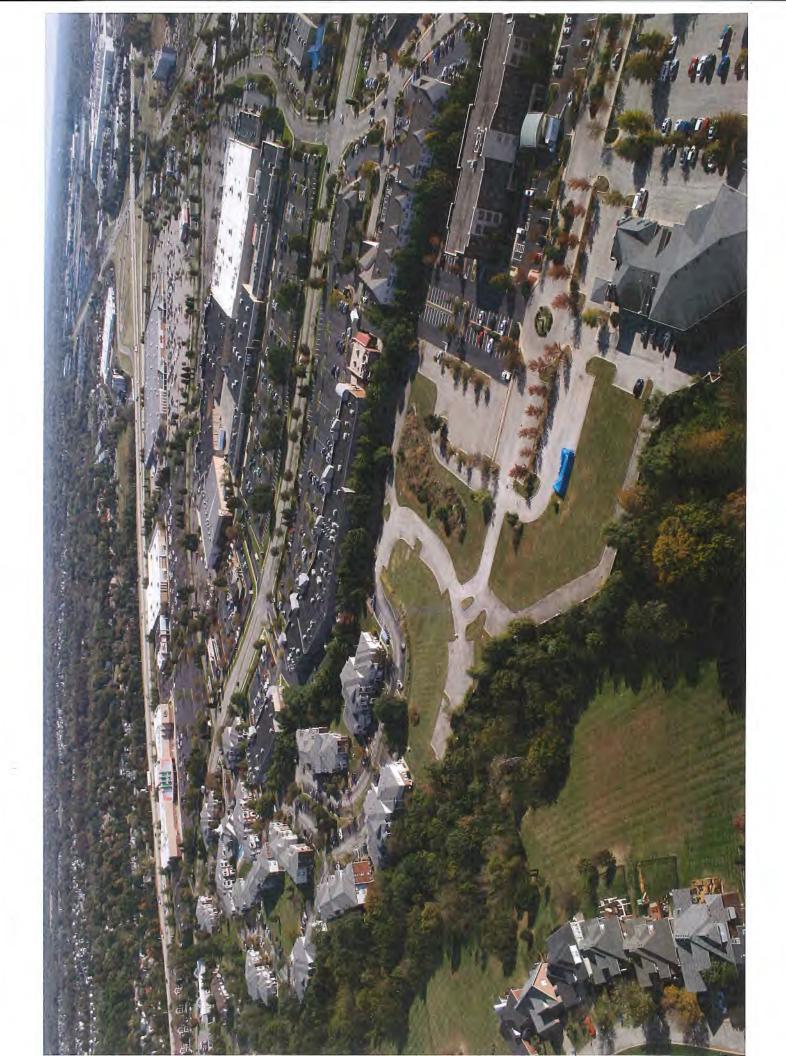


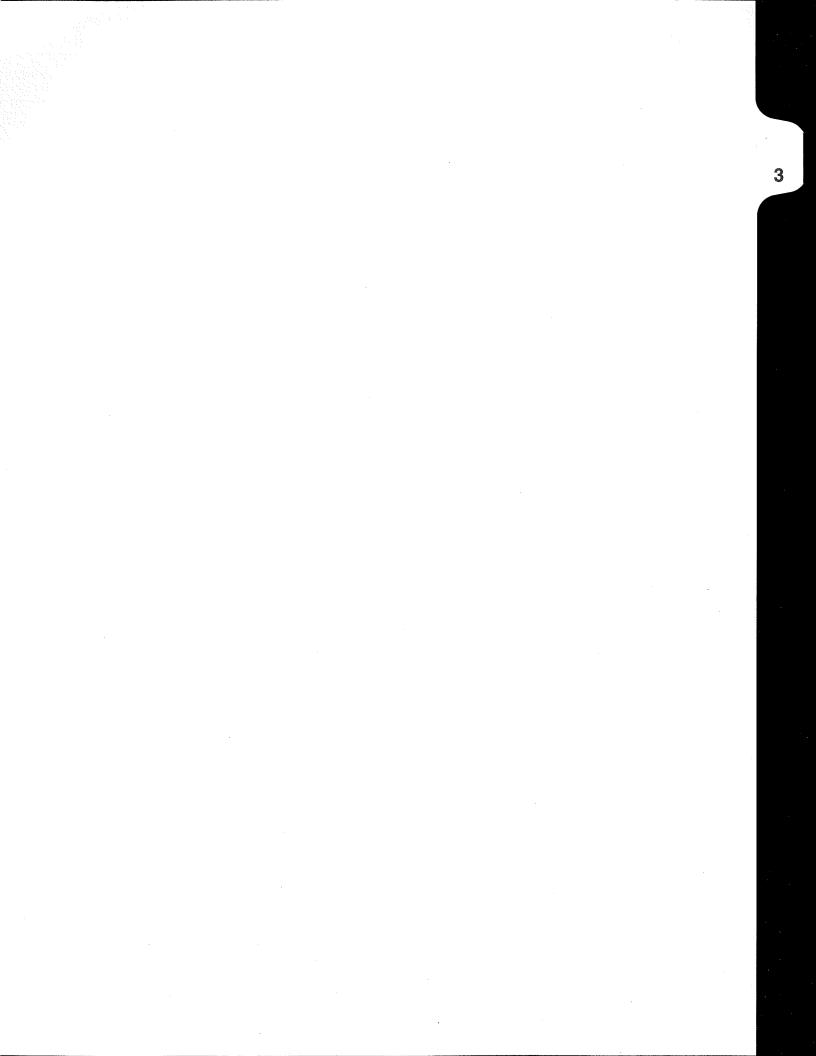


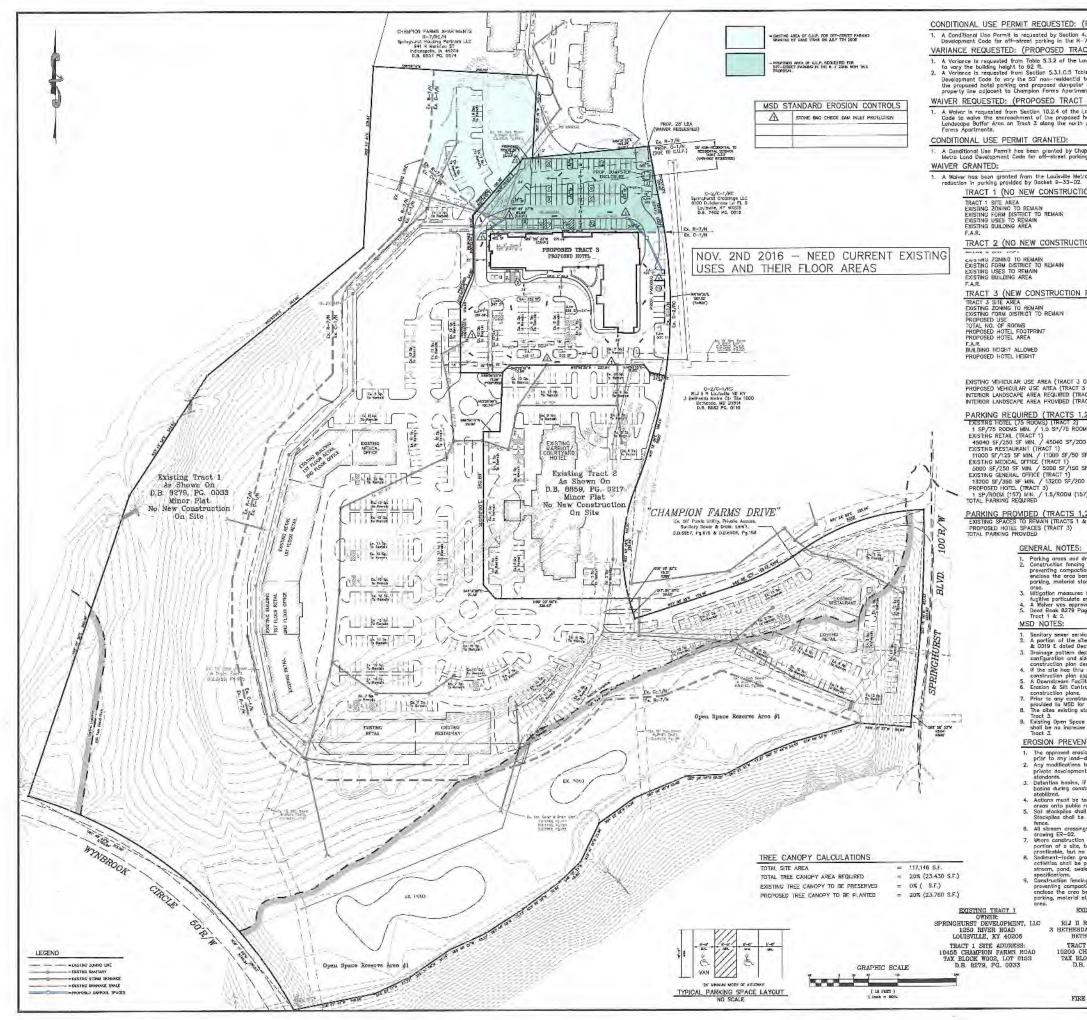










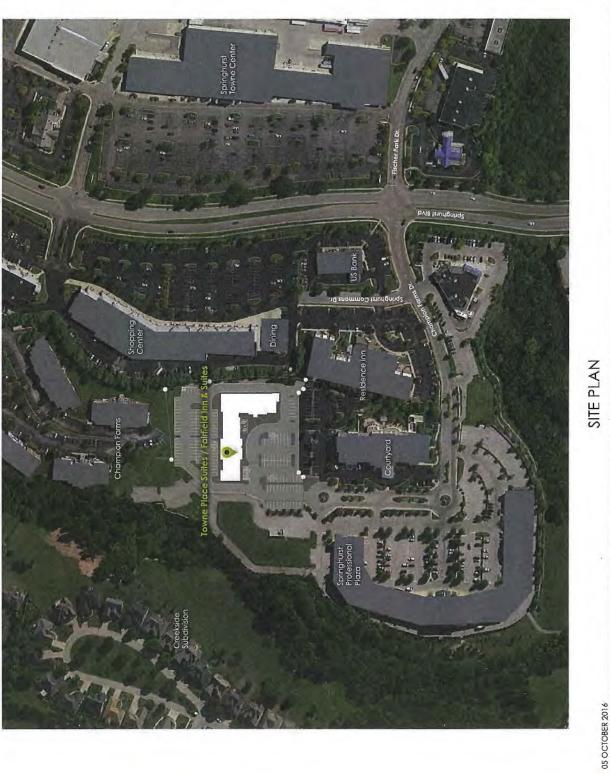


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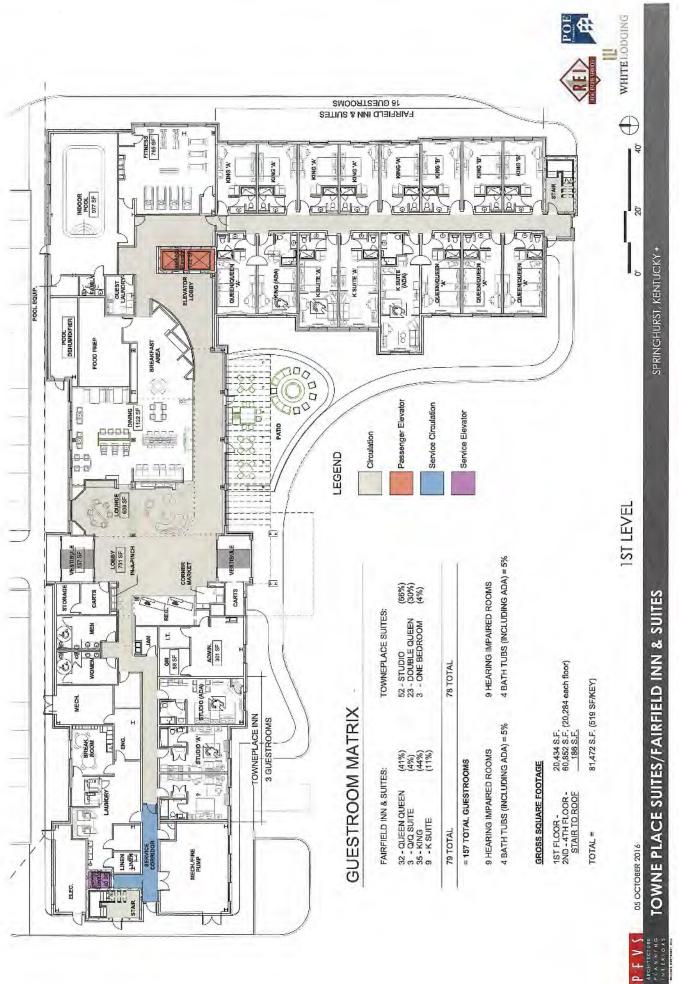


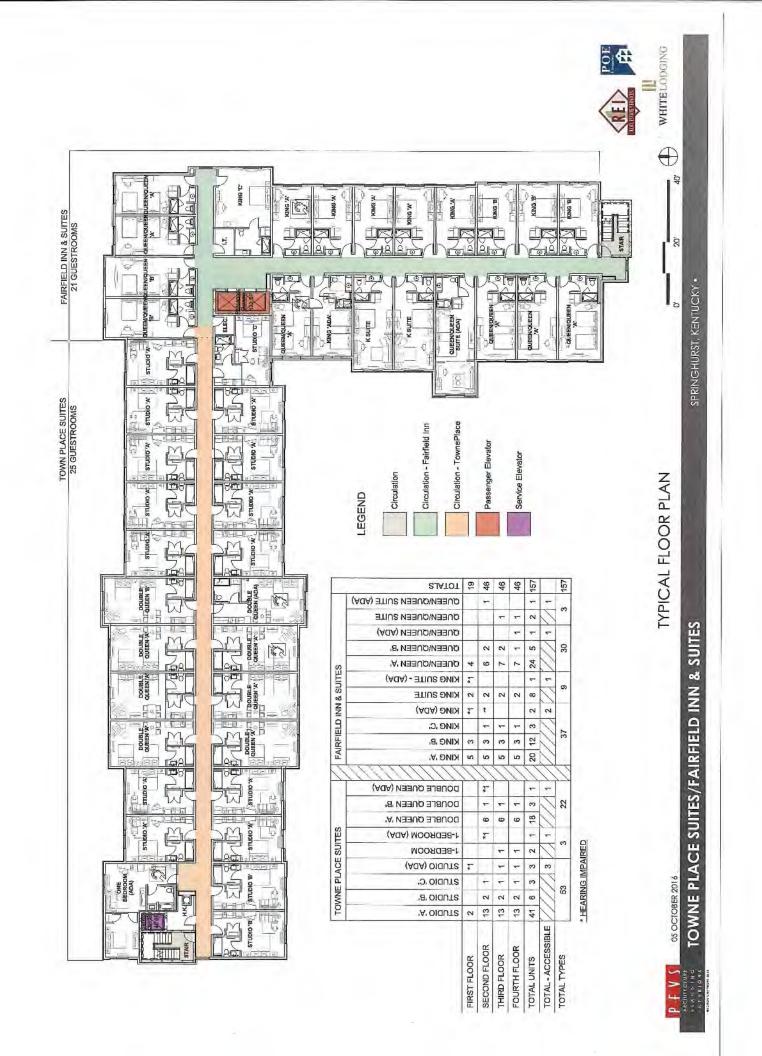
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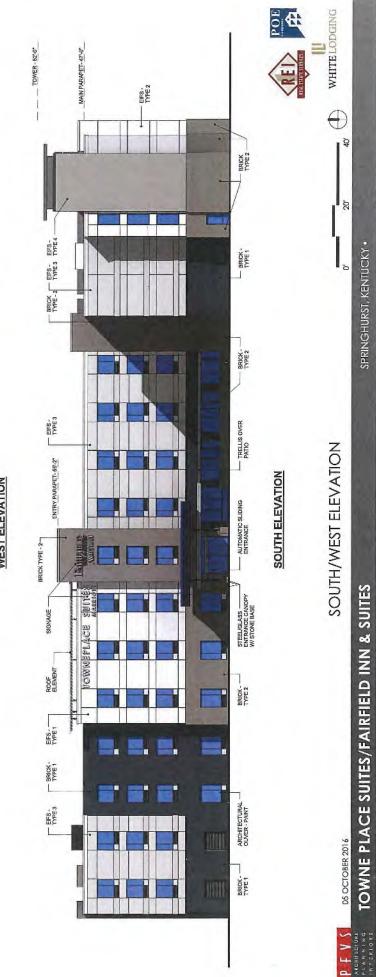
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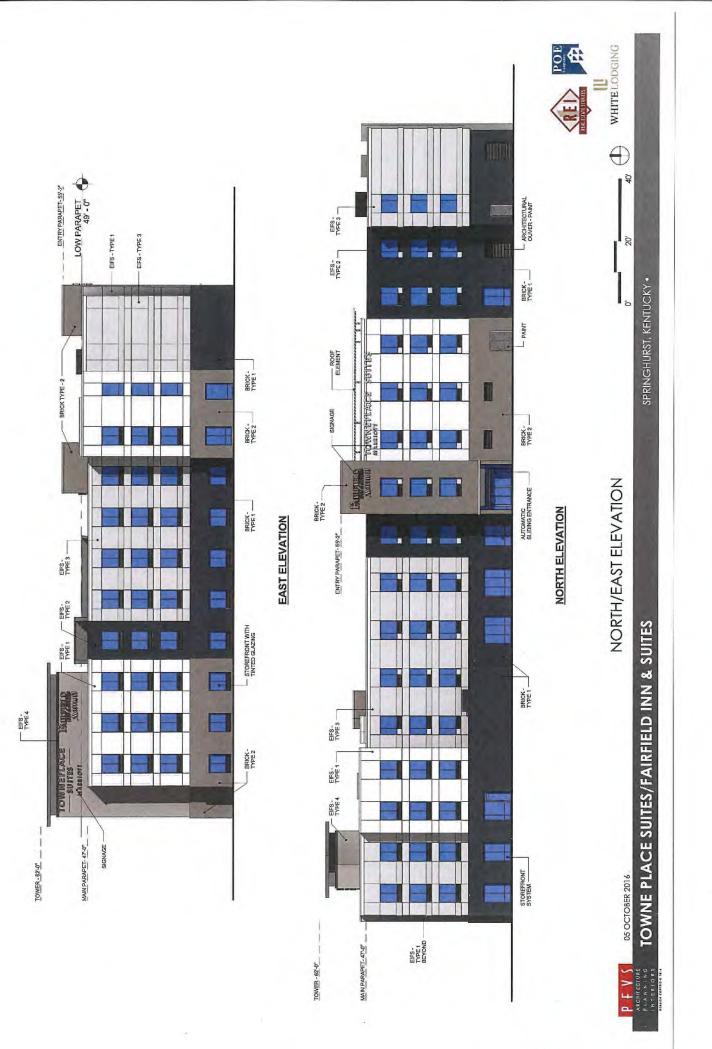








WEST ELEVATION













#### DEMONSTRATION OF APPROPRIATENESS CONDITIONAL USE PERMIT FOR OFF-STREET PARKING AREAS LAND DEVELOPMENT CODE §4.2.39 SPRINGHURST DEVELOPMENT, LLC, APPLICANT

The Applicant, Springhurst Development, LLC, respectfully requests a conditional use permit ("CUP") for off-street parking areas pursuant to Land Development Code ("LDC") Chapter 4, Part 2 and LDC §4.2.39, as applied to the .8-acre, area zoned R-7 Multi-Family District, and as marked on the "Revised Detailed District Development Plan/CUP" prepared by Land Design & Development, Inc. and dated 11/29/16.

The purpose of the conditional use permit is to provide sufficient parking to serve two (2) proposed extended-stay hotels: Town Place Suites and Fairfield Inn & Suites hotels.

The off-street parking area is proposed for the R-7 Multi-Family District, a district which does not allow off-street parking without a conditional use permit. The provision of this parking will materially relieve traffic congestion on Champion Farms Drive or other areas of traffic maneuvering within Springhurst Village.

The proposal conforms to all listed requirements of LDC §4.2.39.

# 1. The proposed conditional use permit conforms to the purpose and intent and all other requirements of the Land Development Code.

Upon the approval of (*i*) a variance from LDC Table 5.3.2 to permit the building height to be 47-feet, and (*ii*) a variance from LDC §5.3.1.C.5 Table 5.3.2 to vary the 50-foot non-residential-to-residential setback (no loading) for the proposed hotel parking and dumpster enclosure, and (*iii*) a waiver from LDC §10.2.4 to allow the encroachment of the hotel parking area into the 25-foot Landscape Buffer Area, all LDC requirements will have been met. All "Listed Requirements" of LDC §4.2.39 have been met. All other requirements of the Land Development Code have been met.

## 2. The proposed conditional use permit is consistent with the applicable Policies of the Comprehensive Plan.

As indicated in this Subsection 2, the proposal is consistent with all applicable Policies of the Comprehensive Plan.

<u>Community Form Guideline 1.</u> The proposal conforms to Community Form Guideline 1 and all Policies adopted thereunder, including Policy 1.B.3 because the site is located within the Neighborhood Form District. Provision of off-street parking in the

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Neighborhood Form District is a desirable use, being accessory and necessary to serve the proposed hotels.

<u>Centers Guideline 2.</u> The proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policy 15. The proposed parking for the hotels is safely situated and will be sufficient for the hotels.

<u>Compatibility Guideline 3.</u> The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 2 [Non-Residential Expansion] because the parking lot will be used by the hotels, which are located within Springhurst Village. The parking area will be substantially screened by an existing brick wall to the west from the single family residences; the proposal conforms to Policy 6 [Minimize Impacts of Parking, Loading and Delivery] because the nearest parking spaces to the adjacent R-4-zoned property will be more than 130 feet away and the brick wall will provide a screen and buffer to the parking areas; the proposal also conforms to Policies 7 [Lighting] and 8 [Visual Impacts] because the lighting will be similar to what exists and will meet Land Development Code requirements and because the brick wall will protect the character of the single family residences to the west.

<u>Flooding and Stormwater Guideline 10.</u> The proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.4, 10.6, 10.7, 10.10 and 10.11. Detention facilities have been based on a fully developed watershed model. Post development run-off will not exceed predevelopment rates; drainage will utilize a "through" drainage system.

The proposal conforms to all other applicable Policies of the Comprehensive Plan.

3. The proposal is compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance.

The off-street parking will serve the proposed extended stay hotels [Town Place Suites and Fairfield Inn & Suites] just as parking serves the existing Marriott Courtyards, also located at Springhurst Village. The parking for these hotels will be substantially similar to the parking which serves the Marriott Courtyards. The proposed parking area will not cause intense use of the parking areas, noise, odor, drainage difficulties, dust problems or visual impacts.

4. The proposal will not require the extension or addition of necessary public facilities, whether on-site or off-site, such as transportation, sanitation, sewer, drainage, emergency services, education, recreation or other public facilities.

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#### SUPPLEMENTAL INFORMATION SHEET ADDENDUM

#### A VARIANCE OF LAND DEVELOPMENT CODE §5.3.1.C.5 TABLE 5.3.2 TO REDUCE THE 50-FOOT NON-RESIDENTIAL TO RESIDENTIAL SETBACK (NO LOADING) FOR THE PROPOSED HOTEL PARKING AND DUMPSTER ENCLOSURE ON TRACT 3 TO A VARIABLE WITH OF 2-FEET TO 15-FEET.

#### Springhurst Development, LLC, Applicant Town Place Suite Fairfield Inn & Suites

#### 1. Reasons that the granting of the variance:

#### a) Will not adversely affect the public health, safety or welfare.

The closest building in the adjacent Champion Farms Apartments is over 200feet away from the proposed off-street parking area. Because of this substantial distance, the reduction of the setback will not adversely affect the public health, safety or welfare.

#### b) Will not alter the essential character of the general vicinity.

Because the hotel will be located more than 200 feet from the nearest building in Champion Farms Apartments the variance will not alter the essential character of the general vicinity.

#### c) Will not cause a hazard or a nuisance to the public.

The granting of the variance will not cause a hazard or nuisance to the public because of the substantial 200-foot distance between the off-street parking area and the nearest building in Champion Farms Apartments.

## d) Will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Because the adjacent use is an apartment complex, and because the nearest apartment building in Champion Farms Apartments is over 200-feet away from the off-street parking area and is 3-stories in height, the grant of the setback variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

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#### SUPPLEMENTAL INFORMATION SHEET ADDENDUM

#### A VARIANCE OF LAND DEVELOPMENT CODE §5.3.2 TO ALLOW THE BUILDING TO BE 62 FEET IN HEIGHT

#### Springhurst Development, LLC, Applicant Town Place Suite Fairfield Inn & Suites

#### 1. Reasons that the granting of the variance:

#### a) Will not adversely affect the public health, safety or welfare.

The adjacent Marriott Courtyard building is 52 feet in height. The hotel will be located more than 200 feet from the nearest building in Champion Farms Apartments, which is a 3-story multi-family building. The hotel is more than 480-feet from any single family residence on Springhurst Gardens Circle. Hence, the proposed height of 62 feet will not adversely affect the public health, safety or welfare.

#### b) Will not alter the essential character of the general vicinity.

Because the hotel will be located more than 200 feet from the nearest building in Champion Farms Apartments and more than 480 feet from single family homes on Springhurst Gardens Circle. Because of (1) the substantial distance from nearby residential uses, and (2) the existing Marriott Courtyard Inn at 52 feet in height, the proposed height of the hotel building will not alter the essential character of the general vicinity.

#### c) Will not cause a hazard or a nuisance to the public.

The hotel building is situated so as not to constitute a hazard or nuisance to nearby single-family homes which are over 480 feet away or nearby multi-family residents or others.

# d) Will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Because the Marriott Courtyard is 52 feet in height, the Montessori School steeple has a height between 55 and 60 feet, and the previously approved personal care home proposed for this site allowed for a height of 54.5 feet (see BOZA case #10742), the variance to allow the proposed hotel to be 62 feet in height does not constitute an unreasonable circumvention of the requirements of the zoning regulations.

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