

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.

Waiver of LDC Table 9.1.3B to permit greater than the maximum required parking.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners. The properties to the north and south of the area of the requested waivers are vacant parcels owned by the Commonwealth of Kentucky. The property to the northeast is a Menards. Preston Highway is located to the west. The maximum parking required by the LDC for this proposed structure and use (being a minimum of 1 space and a maximum of 5 spaces) does not comport with the needs of this business as a confluence of two primary issues, both of which can be resolved by additional parking, thus mitigating any potential adverse effects: (1) the proposed structure has a very small footprint; and (2) the proposed business utilizes a large number of employees relative to the structure's size for efficiency purposes. The additional parking permits the requisite number of employees to park and work at the facility, which in turn permits the coffee shop to operate at peak operating conditions, reducing the amount of idle time spent at the facility and increasing overall satisfaction, creating a built-condition that benefits the area both economically and environmentally.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the original rezoning application. Additionally, exceeding the maximum parking permits this business to operate with a sufficient number of employees to service customers in a highly-efficient, environmentally-conscious manner. This operation brings about an increased tax base while decreasing the idling time for cars waiting in line to order and receive products.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the maximum parking requirements as calculated by the applicant are based on its needs for employees to operate efficiently in this small-footprint structure. The LDC calculates the needs of the business solely based on the size of its structure, providing an insufficient amount of parking to meet the needs of specialized and highly-efficient businesses that cater to large volumes of automobile traffic. The applicant has an efficient business model, established and utilized in other parts of the United States and based on numerous employees efficiently utilizing a small structure to rapidly deliver needed goods and services to customers. Accordingly, to provide these goods and services in this highly-efficient manner, requires relief

from the LDC's calculation methodology that does not take into account the business operating needs of this type of business model.

4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land and would create an unnecessary hardship on the applicant because the need for the waiver is based upon the confluence of the small building footprint and the larger operational needs for employees. Strictly applying a calculation based solely on square footage of the proposed structure is arbitrary and does not account for individual business needs, and its application deprives this applicant of the ability to operate a small, efficient coffee shop at any location at which the LDC calculation applies.