



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: _____ Intake Staff: _____

Date: _____ Fee: _____

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/Planning-Design>.

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 _____

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: 1. Waive the encroachment of proposed parking spaces into the south property line 15 ft. LBA . 2. Reduce north prop line 50 ft LBA to 15 ft and eliminate the reg'd 6 ft berm. 3. wave the more than 50% overlap of an LBA + an esmt south property line.

Primary Project Address: 2008 Blankenbaker Road

Additional Address(es): 2010 Blankenbaker Road

Primary Parcel ID: 003901600000

Additional Parcel ID(s): 003901770000 & 003904420000

Proposed Use: Office warehouse Existing Use: undeveloped

Existing Zoning District: PEC Existing Form District: SW

Deed Book(s) / Page Numbers²: D.B. 11174, Pg. 678

The subject property contains 2 acres. Number of Adjoining Property Owners: 7

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

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If yes, please list the docket/case numbers:

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

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

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?

Rev. July 30, 2018. PLEASE SEE ATTACHED

2. Will the waiver violate the Comprehensive Plan?

Rev. July 30, 2018. PLEASE SEE ATTACHED

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

Rev. July 30, 2018. PLEASE SEE ATTACHED

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?

Revised July 30, 2018. PLEASE SEE ATTACHED

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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

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18Waiver1029 2008 & 2010 Blankenbaker Road August 3, 2018

1. Will the Waiver adversely affect adjacent property owners?

- The waiver requested to waive the 50 ft Landscape Buffer Area to 15 ft and eliminate the 6 ft berm will not adversely affect the adjacent residential property to the north because the building orientation with the rear of the building adjacent to the residential use will allow the building to be the buffer from the parking lot and active area of the development. The required trees will be provided.
- The waiver requested to waive the encroachment of the proposed parking area into the south property line's 15 ft Landscape Buffer Area will not adversely affect the adjacent properties because the required landscaping will be provided. The PEC zoning classification envisioned large tract development. The PEC 15 ft Landscape Buffer Areas were intended to provide consistent perimeter property line landscaping on large parcel development and did not intend to significantly reduce developable areas on smaller tracts such as the subject site.
- The waiver requested to waive the more than 50% overlap of the proposed 15 ft. Sewer and Drainage Easement and the 15 ft. Landscape Buffer Area adjacent to the south property line will not adversely impact the adjacent property because sufficient land area will be available to plant the required trees. The 15 ft. Sewer and Drainage Easement is covering a proposed drainage pipe to be installed in the proposed parking lot and it will not impact the ability to plant the required trees.

2. Will the Waiver violate the Comprehensive Plan?

The Comprehensive Plan will not be violated because the intent of the requirements is being met through landscaping.

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

It is because the Landscape Buffer Areas are being provided where possible and all the required landscaping will be provided.

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?

The strict application of the regulations will restrict the developable area significantly and render it undevelopable for a PEC/SW use. The Applicant is proposing to plant all of the required trees and the granting of the requested waivers will not result in the loss of tree canopy.

18 Waiver 1029

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Letter of Explanation
Proposed Office/Warehouse
2008 and 2010 Blankenbaker Road
Jeffersontown, KY. 40299
(Rev. August 3, 2018 to add a waiver request)

The Applicant is proposing to construct two office/warehouse buildings at 2008 and 2010 Blankenbaker Road. The subject site is located in the City of Jeffersontown and is not Plan Certain. A Category 2B Plan with waiver requests is being submitted to Louisville Planning and Design Services and the City of Jeffersontown. The City of Jeffersontown will process the Category 2B Plan.

The subject sites are zoned PEC and are located in the Suburban Marketplace Form District. A right-of-way dedication to Blankenbaker Road is part of the proposal. The three existing tracts of land will be consolidated in conjunction with the development of the property.

A waiver is requested from Section 10.2.4.B.8 of the Land Development Code to waive the encroachment of the proposed parking area into the south property line's 15 ft. Landscape Buffer Area. The waiver will not affect the adjacent properties because the PEC zoning envisioned large tracts of land developed for industrial or large office use which would benefit from a large parcel providing 15 ft Landscape Buffer Areas adjacent to the side and rear property lines. The subject site is a small parcel, 1.9 acres with the right-of-way dedication, and to provide the 15 ft Landscape Buffer Areas on all side and rear property lines significantly reduces the developable area of the site. The 15 ft Landscape Buffer Areas are being provided on the opposite side property line and the rear property line. The majority of the 15 ft. Landscape Buffer Area will be provided for the south property line and the required trees will be provided.

A waiver is requested from Section 5.5.4.B.1 to waive the 50 ft. Landscape Buffer Area and berm adjacent to the north property line. The waiver will not adversely impact the adjacent PEC zoned, residentially used property because the PEC 15 ft Landscape Buffer Area will be provided with the required trees additionally the rear of the proposed buildings face the property and the active area of the development is located on the opposite side of the proposed buildings. The proposed buildings shield and buffer the adjacent property from the proposed development.

18 Waiver 1029

A waiver is requested from Section 5.5.4.B to waive the more than 50% overlap of the proposed 15 ft. Sewer and Drainage Easement and the 15 ft Landscape Buffer Area adjacent to the south property line. The waiver will not adversely impact the adjacent property because the required trees will be planted. The Sewer and Drainage Easement is covering a proposed drainage pipe to be installed in the proposed parking lot and it will not impact the ability to plant the required trees.

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