



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/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 _____

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 of 15' landscape buffer and planting requirements between proposed parking lot and Lotus Ave and the existing driveway south of the parking lot.

Primary Project Address: 4556 Orange Drive

Additional Address(es): _____

Primary Parcel ID: 087L-0001

Additional Parcel ID(s): _____

Proposed Use: Flight Simulator Bldg

Existing Use: Vacant

Existing Zoning District: EZ-1

Existing Form District: Suburban Workplace

Deed Book(s) / Page Numbers²: DB 10503 pg 911

The subject property contains 15.24 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

If yes, please list the docket/case numbers:

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?

The waiver from LDC Section 10.2.4 requirement to provide perimeter landscape buffer areas around the Subject Property will not adversely affect adjacent property owners because the Applicant owns both properties adjacent to the Subject Property, thereby making the area subject of the waiver request internal to the Applicant's overall industrial campus. Therefore, the Applicant's requests this waiver from LDC Section 10.2.4 so that it will not have to buffer its own parking and maneuvering area from its own existing development.

2. Will the waiver violate the Comprehensive Plan?

The requested landscape waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed use is consistent with the Suburban Workplace Form District. The waiver will create no adverse visual impacts to the surrounding areas, as they are all industrial uses and parking lots. For all of the foregoing reasons, the property perimeter landscape waiver request, as applied to the area between the proposed parking lot and Lotus Ave and the existing driveway south of the parking lot will not violate the Cornerstone 2020 Comprehensive Plan.

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

The extent of the requested perimeter landscape waiver is the minimum necessary to afford relief to the applicant because, in the specific context of this proposed Category 2B Development Plan, LDC Section 10.2.4 pertains to buffering Applicant's proposed structure, vehicular parking and maneuvering area from the Applicant's own industrial buildings and other, existing parking area rather than from an adjacent property whereon a residential use is established. There is no real need to buffer the proposed use on the property from itself, thus the waiver of LDC Section 10.2.4 planting requirements between the proposed parking lot and Lotus Ave and the existing driveway south of the parking lot.

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 proposed flight simulator building, parking area, and maneuvering area are in an industrial area with adjacent developments owned by the Applicant, negating the need for a visual buffer. Therefore, and for all the reasons set forth herein, the strict application of the LDC Section 10.2.4 buffering provisions to the Subject Property would create an unnecessary hardship on the applicant because it essentially requires the Applicant to expend money to establish and maintain buffering, which will decrease the available parking area, only to buffer Applicant's expanded parking area from Applicant's own existing uses.

Contact Information:**Owner:** ☐ *Check if primary contact***Applicant:** ☐ *Check if primary contact*

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Owner Signature (required): _____**Attorney:** ☐ *Check if primary contact***Plan prepared by:** ☐ *Check if primary contact*

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

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.

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
 - ☒ 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/mainsarch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

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

