



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 5.9.2.A.1.b.i

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: Request relief from the requirement to provide pedestrian access from adjacent public right of way through site to building entrance.

Primary Project Address: 6820 Bardstown Road

Additional Address(es): _____

Primary Parcel ID: 063800160000

Additional Parcel ID(s): _____

Proposed Use: Retail Existing Use: Retail

Existing Zoning District: C-2 Existing Form District: Town Center

Deed Book(s) / Page Numbers²: DB 11683, PG 747

The subject property contains 6.904 acres. Number of Adjoining Property Owners: 9

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 #: 20-DDP-0081 Docket/Case #: 9-55-91

Docket/Case #: 9-22-90 Docket/Case #: 9-42-85

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?

No, the requested waiver will not adversely affect adjacent property owners, since the site is currently developed without a pedestrian connection to the public right of way. The proposed building addition is less than a ten percent increase in building area and it does not change the operation or character of the existing development. Therefore, the development will continue to operate as it does currently and there will be no adverse affects on the adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan. One goal of the Comprehensive Plan is to minimize impacts to adjacent residential areas. To provide a sidewalk from the existing building to the public street would require removal of existing mature trees, as well as a considerable amount of earthwork to accommodate a sidewalk. Construction of this sidewalk would alter the character of the existing landscape, which would adversely affect neighboring residential properties.

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

Yes, the extent of the requested waiver is the minimum necessary to afford relief to the applicant, since the requirement to provide the pedestrian connection to a public right of way is triggered by the small building addition.

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?

Strict application of the provisions would create an unnecessary hardship on the applicant, since the pedestrian connection would require construction of a sidewalk that would adversely affect the adjacent residential properties. The pedestrian connection would remove existing mature trees and disturb existing vegetated areas. As a result, additional mitigation would then be necessary to offset the adverse impacts to the adjoining residential area.

Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: J. Mark Blieden, Manager

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Company: Cedar Springs FC II, LLC
Cedar Springs FC I, LLC

Company: Cedar Springs FC II, LLC
Cedar Springs FC I, LLC

Address: 6100 Dutchmans Lane

Address: 6100 Dutchmans Lane

City: Louisville State: KY Zip: 40205

City: Louisville State: KY Zip: 40205

Primary Phone: 502-456-1999 Ext 101

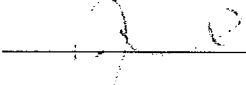
Primary Phone: 502-456-1999 Ext. 101

Alternate Phone: _____

Alternate Phone: _____

Email: JBlieden@KadenCompanies.com

Email: JBlieden@KadenCompanies.com

Owner Signature (required): 

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: Jason L. Hall, PE

Company: _____

Company: Prism Engineering

Address: _____

Address: 2309 Watterson Trail, Suite 200

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40299

Primary Phone: _____

Primary Phone: 502-491-8891

Alternate Phone: _____

Alternate Phone: 502-494-1317

Email: _____

Email: Jason@PEDGLLC.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, J. Mark Blieden, in my capacity as Manager, hereby *representative/authorized agent/other*

certify that Cedar Springs FC I, LLC & Cedar Springs FC II, 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:  Date: 1/25/21

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
- \$225 Application Fee (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: <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

