



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 18WAIVER1005 Intake Staff: NH

Date: 1/29/18 Fee: 225-

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 5<sup>th</sup> 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 5.5.2.B.1.a

*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 to not provide a vehicular connection to the adjoining property. See General Waiver Justification statements on Page 2.

Primary Project Address: 1725 Gagel Avenue

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: 1020 0797 0000

Additional Parcel ID(s): \_\_\_\_\_

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Proposed Use: Medical Office Existing Use: Vacant

Existing Zoning District: C2 Existing Form District: Suburban Marketplace

Deed Book(s) / Page Numbers<sup>2</sup>: 11706 X 135

The subject property contains 1.003 acres. Number of Adjoining Property Owners: 6

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)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: 17DEVPLAN1220 Docket/Case #: \_\_\_\_\_

Docket/Case #: 16MINORPLAT1075 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?**

Waiver approval will not adversely affect adjacent property owners since each of the adjoining properties along Gagel Avenue have direct access to Gagel Avenue. Additionally, the applicant is proposing to provide the required pedestrian connection from the proposed building to the proposed sidewalk along Gagel Avenue, which would, as stated in the LDC "allow customers to visit multiple establishments without moving their vehicles." Furthermore, waiver approval will allow the applicant to provide six additional parking spaces for their facility, which will aid in allowing personnel and visitors to park on the proposed site, in lieu of parking on the spaces located on adjoining properties. Chapter 9 of the LDC, allows the applicant to provide a maximum of 59 spaces. The current plan proposes 58 spaces, which meets the guidelines of the LDC and the Comprehensive Plan.

### **2. Will the waiver violate the Comprehensive Plan?**

Waiver approval will not violate the Comprehensive Plan, as the applicant is proposing to provide the required pedestrian connection from the proposed building to the proposed sidewalk along Gagel Avenue, which would, as stated in the LDC "allow customers to visit multiple establishments without moving their vehicles." Furthermore, waiver approval will allow the applicant to provide six additional parking spaces for their facility, which will, as stated in the Comprehensive Plan, "afford adequate and appropriate vehicular parking" for the proposed development. This will aid in allowing personnel and visitors to park on the proposed site, in lieu of parking on the spaces located on adjoining properties. In addition to the vehicular parking and pedestrian access, the applicant is providing the required bicycle parking, which promotes alternate modes of travel as detailed within the objectives of the Comprehensive Plan.

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

The applicant has multiple facilities in the Louisville area and has an understanding of the number of parking spaces that are necessary for successful operation of the proposed facility. With that in mind, the loss of parking that would be necessary to satisfy the vehicular connection requirements would be a substantial reduction in the number parking spaces that are necessary for the facility to operate properly. The waiver of LDC Section 5.5.2.B.1.a, as requested by the applicant, is the minimum necessary to afford relief to the applicant.

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### **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 provisions of LDC Section 5.5.2.B.1.a, would create an unnecessary hardship on the applicant, since the applicant has multiple facilities in the Louisville area and has an understanding of the number of parking spaces that are necessary for successful operation of the proposed facility. The loss of parking that would be necessary to satisfy the vehicular connection requirements would be a substantial reduction in the number parking spaces that are necessary for the facility to operate properly. The loss of parking that would result from strict application of the regulation would affect patients, visitors, and personnel, by creating the need to park on adjoining properties. This, in turn, could have a negative impact on adjoining properties.

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**Contact Information:**

Owner:  Check if primary contact

Applicant:  Check if primary contact

Name: Joe Ackerman

Name: \_\_\_\_\_

Company: Advanced ENT Holdings of South Louisville, LLC

Company: \_\_\_\_\_

Address: 4004 Dupont Circle, Suite 200

Address: \_\_\_\_\_

City: Louisville State: KY Zip: 40207

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Primary Phone: 502-609-3510

Primary Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: JJAckerman@AdvancedENTandAllergy.com

Email: \_\_\_\_\_

Owner Signature (required): *Joe Ackerman* LFO

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Attorney:  Check if primary contact

Plan prepared by:  Check if primary contact

Name: \_\_\_\_\_

Name: Michael C. Schoech, 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 Ext 9

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: Michael@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, Joe Ackerman, in my capacity as LFO, hereby  
*representative/authorized agent/other*

certify that Advanced ENT Holdings of South Louisville, 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: *Joe Ackerman* Date: 1/29/18

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 Report<sup>1</sup>
- 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: 1<sup>st</sup> tier Adjoining Property Owners (APOs)<sup>3</sup>; 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*)

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

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# Land Development Report

January 29, 2018 11:30 AM

About LDC

## Location

Parcel ID: 102007970000  
 Parcel LRSN: 91042418  
 Address: 1725 GAGEL AVE

## Zoning

Zoning: C2  
 Form District: SUBURBAN MARKETPLACE CORRIDOR  
 Plan Certain #: NONE  
 Proposed Subdivision Name: NONE  
 Proposed Subdivision Docket #: NONE  
 Current Subdivision Name: NONE  
 Plat Book - Page: NONE  
 Related Cases: NONE

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## Special Review Districts

Overlay District: NO  
 Historic Preservation District: NONE  
 National Register District: NONE  
 Urban Renewal: NO  
 Enterprise Zone: NO  
 System Development District: NO  
 Historic Site: NO

## Environmental Constraints

### Flood Prone Area

FEMA Floodplain Review Zone: NO  
 FEMA Floodway Review Zone: NO  
 Local Regulatory Floodplain Zone: NO  
 Local Regulatory Conveyance Zone: NO  
 FEMA FIRM Panel: 21111C0072E

### Protected Waterways

Potential Wetland (Hydric Soil): YES  
 Streams (Approximate): NO  
 Surface Water (Approximate): NO

### Slopes & Soils

Potential Steep Slope: NO  
 Unstable Soil: NO

### Geology

Karst Terrain: NO

## Sewer & Drainage

MSD Property Service Connection: NO  
 Sewer Recapture Fee Area: NO  
 Drainage Credit Program: MS4 (outside of incentive area)

## Services

Municipality: SHIVELY  
 Council District: 3  
 Fire Protection District: SHIVELY  
 Urban Service District: NO

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LOUISVILLE RENAL CONSTRUCTION LLC  
12655 N CENTRAL EXPY STE 200  
DALLAS, TX 75243-1712

KEVIN BURNS  
ARCHITECTURAL INVESTMENTS  
222 SOUTH FIRST STREET, SUITE 206  
LOUISVILLE, KY 40202

SULLIVAN DIXIE LLC  
11813 SPRINGHILL GARDENS DR.  
LOUISVILLE, KY 40223-1375

JOE ACKERMAN  
ADVANCED ENT HOLDINGS OF SOUTH LOUISVILLE LLC  
4004 DUPONT CIRCLE, SUITE 200  
LOUISVILLE, KY 40207

OWENS GROUP LLC  
4641 DIXIE HWY.  
LOUISVILLE, KY 40216-2605

KUPCO LLC  
10501 FOREST GARDEN LN.  
LOUISVILLE, KY 40223-6165

MICHAEL C. SCHOECH, PE  
PRISM ENGINEERING DESIGN GROUP  
2309 WATTERSON TRAIL, SUITE 200  
LOUISVILLE, KY 40299

C&J DEVELOPERS LLC  
1401 STATE ST.  
NEW ALBANY, IN 47150-4944

ALLEN & MADONNA GAMMEL  
22 AUTUMN HILL CT.  
PROSPECT, KY 40059-9459

