

APPLICANT STATEMENT

Granted Waivers

The following waivers were approved as part of the Case #13DEVPLAN1051 and are applicable to this site:

1. A waiver of section 10.3.6 and table 10.3.2 to allow 20' encroachment into the 25 foot required buffer area (not 40 foot required setback area) and no berm along the U.S. 60 frontage.
2. A waiver of section 10.3.6 and Table 10.3.2 to allow 35' encroachment into the 40 foot scenic corridor setback area (not 40 foot required building setback area) along the U.S. 60 frontage.

Requested Waivers

Waiver Request #1

The applicant is requesting a waiver of pedestrian access as required by Section 5.9.1.

Code Reference

LDC – Chapter 5 Form District Regulations, Section 5.9.1

Requests

1. The applicant requests a waiver from the requirement to provide pedestrian access from the site to U.S. 60 (Shelbyville Road) due the significant grade change between the site and the road.
2. Pedestrian access is provided via a sidewalk adjacent to the access drive and the applicant's site.

Waiver Request #2

The applicant is requesting a waiver from section 10.2.9 to reduce the vehicular use area landscape buffer area from 10' to 2'.

Code Reference

LDC – Chapter 10 Landscape Design, Section 10.2.9

Requests

1. Table 10.2.6 sets the requirement for a 10' buffer between vehicular use areas and a roadway. The applicant requests the buffer be reduced to 2' wide.

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2. In all areas except in the NW corner there is at least a 5' buffer provided. At the NW corner the width is reduced to 2' due a proposed sidewalk to provide pedestrian connectivity.

Waiver Request #3

The applicant requests a waiver from section 10.2.10 to reduce the required perimeter trees from 5 trees to 3 trees along the western property line.

Code Reference

LDC – Chapter 10 Landscape Design, Section 10.2.10

Requests

1. The applicant requests the reduction due to a significant grade change between the site and the adjacent roadway. A retaining wall will be required between the site and the property line, which inhibits the ability to provide trees in this area.
2. Trees will be provided at 1 tree per 30 linear feet for the remainder of the western boundary.

Waiver Request #4

The applicant requests a waiver from section 10.2.10 and Table 10.2.7 for relief from the adherence of the 3 foot continuous screening requirement between the site and U.S. 60 (Shelbyville Road).

Code Reference

LDC – Chapter 10 Landscape Design, Section 10.2.10, Table 10.2.7

Requests

1. The applicant requests relief from the installation of a berm due to a significant grade change between the site and the adjacent roadway. The site is already much lower than Shelbyville Road. An addition of a berm would only serve to further conceal the site from potential customers. This would introduce an unfair, disadvantage to the applicant.

Waiver Request #5

The applicant requests a waiver from section 10.3.6 and Table 10.3.2 to reduce the required (type A) trees from 5 trees to one tree between the site and U.S. 60 (Shelbyville Road).

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Code Reference

LDC – Chapter 10 Landscape Design, Section 10.2.10, Table 10.2.7

Requests

1. The applicant requests a reduction in the number of Type A trees required between the site and U.S. 60 (Shelbyville Road) due to a significant grade change between the site and Shelbyville Road.
2. A retaining wall is proposed due to the grade change between the site and the road which inhibits the ability to provide trees in a portion of this area.
3. In addition, the site is much lower than Shelbyville Road. The addition of a trees spaced closer in the remaining area would obstruct the view of the site from potential customers. This would introduce an unfair, disadvantage to the applicant.

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