



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 20-Waiver-0035 Intake Staff: JM
Date: 04-06-2020 Fee: \$225.00

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: Waiver of portion of ILA requirements for an existing site to construct a parking garage.

Primary Project Address: 10350 Ormsby Park Place, Louisville, KY40223

Additional Address(es): 10300 Ormsby Park Place

Primary Parcel ID: 320800210000

Additional Parcel ID(s): 32080200000

Proposed Use: Parking garage Existing Use: Surface parking

Existing Zoning District: C1 Existing Form District: Campus

Deed Book(s) / Page Numbers²: DB 45, PG 073

The subject property contains 18.81 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 #: 20-DDP-0021 Docket/Case #: 17502

Docket/Case #: 09-106-97 Docket/Case #: 09-106-97V

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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?

No. The waivers pertain to existing surface parking areas on the site which were approved previously in conjunction with a Detailed Development Plan and an earlier version of the Land Development Code, so there is no change to what's been in place for several years other than replacing a portion of existing surface parking with a 3.5 level parking deck.

2. Will the waiver violate the Comprehensive Plan?

No. For the same reasons stated above, the existing interior landscape areas had previously been approved regarding spacing, size and total square footage. The proposed design either meets or exceeds those original proportions.

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

Yes. Only existing landscape islands located where the proposed parking deck will be constructed would be removed. All other islands are existing and will remain.

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 amount of proposed interior island area will exceed the total square footage that was approved on the previous plan. By requiring the applicant to eliminate existing parking spaces or increase the size of existing landscape islands to meet current code requirements would require the loss of existing parking spaces, which is contrary to the applicant's need to increase the amount of available parking by constructing the deck, thus creating an unnecessary hardship.

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Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Fred Arena

Name: Fred Arena

Company: Ormsby Louisville II, LLC

Company: Ormsby Louisville II, LLC

Address: 8745 Henderson Road

Address: 8745 Henderson Road

City: Tampa State: FL Zip: 33634

City: Tampa State: FL Zip: 33634

Primary Phone: 862-221-2575

Primary Phone: 862-221-2575

Alternate Phone: _____

Alternate Phone: _____

Email: Fred.arena@vision-properties.com

Email: Fred.arena@vision-properties.com

Owner Signature (required): 

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: Jon Henney

Company: _____

Company: Gresham Smith

Address: _____

Address: 111 West Main St., Ste 201

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40202

Primary Phone: _____

Primary Phone: 502-627-8937

Alternate Phone: _____

Alternate Phone: 502-558-2528

Email: _____

Email: Jon.henney@greshamsmith.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, Fred Arena, in my capacity as representative, hereby *representative/authorized agent/other*

certify that Ormsby Louisville 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: 4/6/2020

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.

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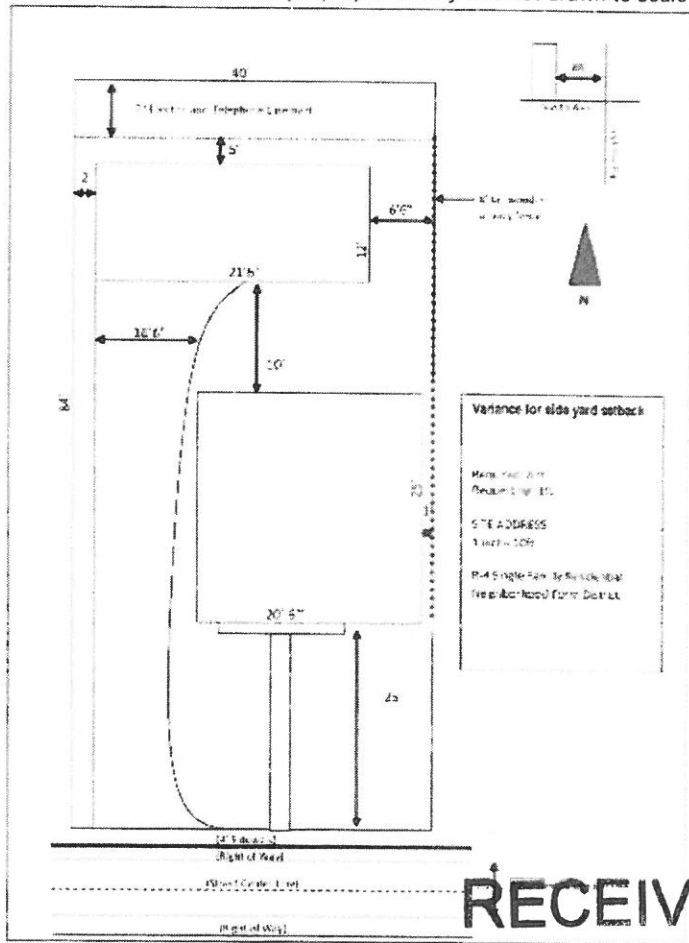
Please submit the completed application along with the following items:

- 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



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