



Sidewalk 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:

Explanation of Waiver: A waiver for a sidewalk and pedestrian connection along Dorsey Lane and a sidewalk along Ormsby Station Road.

Primary Project Address: 10350 Ormsby Park Pl, Lyndon, KY 40223

Additional Address(es): 10300 Ormsby Park Pl, Lyndon, KY 40223

Primary Parcel ID: 320800210000

Additional Parcel ID(s): 32080200000

Proposed Use: Parking Garage Existing Use: Parking Lot

Existing Zoning District: C1 Existing Form District: Campus

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

The subject property contains 18.8136 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-0021 Docket/Case #: 17502

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

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: 862-221-33634

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: 4/21/20

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.

Sidewalk Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following 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. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

Granting of the waiver request to not construct sidewalks on the west side of Dorsey Lane or the east side of Ormsby Station Road and not constructing a pedestrian access into the development directly from Dorsey Lane, would conform to the intent of both the Land Development Code (LDC) and the Comprehensive Plan as indicated in the responses to questions 2-4 below.

2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

The LDC includes waiver provisions recognizing that in certain instances existing physical constraints make constructing a sidewalk unfeasible or cost prohibitive, which is the case with this development. However, there are existing sidewalks and new pedestrian connections that will adequately provide for pedestrian access to and into this site, which is in keeping with the intent of the LDC and the Comprehensive Plan.

3. What impacts will granting of the waiver have on adjacent property owners?

The granting of the waiver will not impact adjacent property owners. Both Dorsey Lane and Ormsby Station Road current have a sidewalk on one side of the road that provides pedestrian access to the development site. While existing grades and other environmental features will prevent direct access from Dorsey Lane, new pedestrian connections from Hurstbourne Parkway and Ormsby Station Road will provide pedestrian access to the development site.

4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

Yes. The Revised Development Plan was submitted merely to add needed vehicular parking to an existing office development who's tenants required additional spaces for their employees. Adding sidewalks along Dorsey, which has a variety of physical constraints for constructing such a walk, and would not connect to any other development for a significant distance, would add economic hardship to the applicant. Similarly, adding a sidewalk to the east side of Ormsby Station would require removing a significant amount of existing landscape buffer, while adding little value to pedestrian access, which can already be provided from an existing sidewalk on the west side of Ormsby Station.