

**WAIVER JUSTIFICATION**  
**Oxmoor West Outparcel**  
**Corner of Shelbyville Road and Oxmoor Lane**

**THIS IS A REQUEST FOR A WAIVER OF LDC 10.2.10 TO ALLOW EXISTING PARKING TO ENCROACH INTO THE REQUIRED VEHICLE USE AREA BUFFER.**

**1. The waiver will not adversely affect adjacent property owners.**

No new improvements are being built that will encroach into the setbacks. The encroachments and parking are currently in existence. The applicant is requesting that this part of the parking lot remain unchanged. The waiver request is in connection with the development of an outparcel at Oxmoor Center and the required RDDDP. The new development is internal and is not adjacent to other property owners. The waiver will allow the continued redevelopment of the property and the parking area on the site which will allow for safe vehicular and pedestrian movement. It is anticipated that the RDDDP will be approved by the Louisville Department of Public Works which approval will indicate, among other things, that the plan provides for safe and efficient movement of vehicles and pedestrians. The waiver will not adversely affect adjacent property owners.

**2. The waiver will not violate the Comprehensive Plan.**

The requested waiver would not violate the Comprehensive Plan and would not alter the essential character of the general vicinity. The existing use is a regional shopping center located in a Regional Form District. The waiver and the redevelopment will allow for additional dining options, but it will not alter the essential character of Oxmoor Center. A Regional Center is a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The proposal of this type is encouraged by the Comprehensive Plan since it can strengthen the identity and success of this important center. The project is the kind of improvement that is encouraged by the Comprehensive Plan since it encourages mixed uses in a designated activity center and allows for a more compact development pattern that results in efficient land use and cost-effective infrastructure investment. The proposal will allow for the reinvestment in the property and the redevelopment of area which will create

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new jobs and increase the prosperity of citizens. (i.e., consistent with the Comprehensive Plan).

**3. To the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

No new improvements are being built that will encroach into the setbacks. The encroachments and parking are currently in existence. The applicant is requesting that this part of the parking lot remain unchanged. The requested waiver will allow the applicant to keep the current parking spaces and planned internal circulation. The request is not an unreasonable circumvention of the requirements of the zoning regulation and will allow for more compact development on-site.

**4. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship on the applicant.**

Removal of the parking spaces and redevelopment of this area of the parking lot would be an unnecessary hardship on the applicant. The strict application of the regulation would require a reduction in the number of parking spaces and shift the location of the new restaurant. The requested waiver will allow the applicant to keep the current parking spaces and planned internal circulation. The waiver will not cause a hazard or nuisance to the public because the Louisville Department of Public Works is anticipated to approve the proposal. This approval will indicate, among other things, that the layout of the site is safe for motor vehicles and pedestrians on site. In addition, there are and will continue to be adequate parking facilities on-site and existing access points to and from the site that are safe.

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**WAIVER JUSTIFICATION**  
**Oxmoor West Outparcel**  
**Corner of Shelbyville Road and Oxmoor Lane**

**THIS IS A REQUEST FOR A WAIVER OF LDC 5.9.2.A.1.b TO ALLOW PEDESTRIAN ACCESS TO THE PUBLIC SIDEWALK TO BE GREATER THAN FIFTY (50) FEET FROM THE TRANSIT STOP.**

**1. The waiver will not adversely affect adjacent property owners.**

The existing TARC stop on Shelbyville Road near the intersection with Oxmoor Lane is adjacent to a steep drainage ditch. The topography of the area would require additional work an expense. The applicant proposes to the move the connection closed the corner of Oxmoor Lane and Shelbyville Road which will be a distance of approximately 90 feet from the TARC stop instead of 50 feet. This waiver would not impact the adjacent property owners. The waiver request is in connection with the development of an outparcel at Oxmoor Center and the required RDDDP. The new development is internal and is not adjacent to other property owners. The waiver will allow the continued redevelopment of the property and the parking area on the site which will allow for safe vehicular and pedestrian movement.

**2. The waiver will not violate the Comprehensive Plan.**

The requested waiver would not violate the Comprehensive Plan and would not alter the essential character of the general vicinity. The existing use is a regional shopping center located in a Regional Form District. The waiver and the redevelopment will allow for additional dining options, but it will not alter the essential character of Oxmoor Center. A Regional Center is a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The proposal of this type is encouraged by the Comprehensive Plan since it can strengthen the identity and success of this important center. The project is the kind of improvement that is encouraged by the Comprehensive Plan since it encourages mixed uses in a designated activity center and allows for a more compact development pattern that results in efficient land use and cost-effective infrastructure investment. The proposal will allow for the reinvestment in the property and the redevelopment of area which will create

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**REVISED DETAILED DISTRICT DEVELOPMENT PLAN JUSTIFICATION**

**Corner of Oxmoor Lane & Shelbyville Road (“West Outlot”)**

Case No. \_\_\_\_\_

The property is currently zoned C-1 and is located in the Regional Form District. The previous approved plan with Case # PW-10-00 (“Previous Plan”).

- 1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being protected?**

There are no steep slopes, nor does the property have adverse air quality issues or scenic views needing protection. Development on the subject site will conform to Article 12 of the Development Code requirements for landscaping.

- 2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Yes. The Applicant anticipates that the revised development plan will be approved by Transportation Review and sufficient parking has been and will continue be provided. There will be safe and efficient access for vehicular movement. Safe pedestrian sidewalks will be provided within the public right of way bordering the development site on Oxmoor Lane and Shelbyville Road.

- 3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

Yes. Open space is required for this type development, and sufficient open space pursuant to the Development Code is being provided as shown on the revised detailed district development plan.

- 4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

Adequate drainage facilities are being provided to serve the subject site pursuant to the standards of the Metropolitan Sewer District so that drainage problems will not occur on the subject site or within the surrounding community.

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**5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

Yes, the site is compatible with the existing and projected future development in the area. The Regional Center is a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The amount of floor space in regional centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Infill development of this type are encouraged. Regional Centers are most appropriately located on or near major arterials, state or interstate highways. Development in Regional Centers should be compact and provide for site accessibility through all means of transportation. The site is located off Shelbyville Road and near the I-264 Watterson Expressway. Access to the site is available through Oxmoor Center parking lot as connected to Oxmoor Lane and also connected to Christian Way. The site will have sufficient parking and is consistent with the other development and uses in the area.

**6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

The proposal conforms to Plan 2040 (the "Plan").

**Plan Element 4.1 Community Form**

The proposal is a high intensity project located within the Regional Form District ("RFD") which encourages a mixture of high intensity uses. The RFD is intended to be a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. The amount of floor space in regional centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Redevelopment and infill development are encouraged. Regional Centers are most appropriately located on or near major arterials, state or interstate highways. Development in Regional Centers should be compact and provide for site accessibility through all means of transportation. The proposal of this type is encouraged by the Plan since it can strengthen the identity and success of this important RFD. The project is the kind of improvement that is encouraged by the Plan since it encourages mixed uses in an designated activity center ( Goal 2, Policy 2) and allows for a more compact development pattern that results in efficient land use and cost-effective infrastructure investment. (Goal 2, Policy 6). The proposal complies with aspects of the plan since it will be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. (Goal Policy 6) The proposal constitutes an adaptive infill development of the existing

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surface level parking lot which is a clear objective of the Community Form Plan Element. The plan encourages compact development and efficient land use. (Goal 2, Policy 6).

**Plan Element 4.2 Mobility**

The proposal also takes into consideration Goal 1 and Goal 3 of the Plan’s Mobility initiative. The proposal is designed to accommodate multiple modes of travel and provide pedestrian access via new sidewalks adjacent to the new development areas. This proposal is near an existing marketplace corridor and near existing activity centers. (Goal 1, Policy 4). The new development improves mobility by providing options for shopping and dining within the same regional shopping center. Visitors will have the opportunity to park one time for multiple venues and thus reduce vehicle miles traveled and congestion which in turn would reduce the need for multiple automobile trips, thereby achieving better air quality standards. (Goal 2, Policy 3). The Plan encourages a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities in compliance with the plan. (Goal 2, Policy 2). The proximity of the subject property to I-264 and I-64 and employment centers in St. Matthews and along Hurstbourne Lane will continue to result in shorter trips for residents, resulting in further reduction of automobile emissions. The proposal will also supply adequate and user-friendly bicycle parking in compliance with the Plan. (Goal 1, Policy 3, 5.5).

**Plan Element 4.3 Community Facilities**

Although the proposal does not include any new community facilities, it does comply with Policy 1 of Goal 2 of the Community Facilities plan element. The development is located in an area that is being served by existing infrastructure and utilities. In addition, the District 4 of the Louisville Fire Department will provide fire safety services to the site and the Louisville Metro Police Department will provide police service to the site.

**Plan Element 4.4 Economic Development**

The intent of the Economic Development plan element is to provide a framework for a healthy economic climate. The Plan encourages reinvestment and development in a RFD with existing infrastructure. The goals, objectives and policies advance Louisville Metro’s economic development vision by supporting new businesses. Clearly allowing the Applicant to move forward with the proposal would further the strategy of promoting business as the new restaurants will provide new jobs.

The new development promotes growth in an already developed area. The new development will have access to existing infrastructure, including roadways, and water and sewer lines. (Goal 1, Objective a). The proposal enhances the quality of life through Louisville Metro by providing new restaurants for residents to visit and enjoy. (Goal 2,

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Objective a). The economic value of this regional shopping center and the surrounding areas is protected and improved by the new investment and development (Goal 2, Objective b). The reinvestment and redevelopment of this property is consistent with and supported by the Plan.

**Plan Element 4.5 Livability**

The intent of the Livability plan element is to provide guidance and direction for the provision and maintenance of resources necessary for the health and well-being of the citizens. The proposal will be developed in accordance with comments and ultimate approval of MSD. Recycling and waste reduction efforts will be used at the new development (Goal 4, Objective e).

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**WAIVER JUSTIFICATION**  
**Oxmoor West Outparcel**  
**Corner of Shelbyville Road and Oxmoor Lane**

**THIS IS A REQUEST FOR A WAIVER OF LDC 5.5.2.A TO ALLOW THE BUILDING ENTRANCE TO NOT FACE THE ABUTTING PUBLIC STREET SERVING THE DEVELOPMENT.**

**1. The waiver will not adversely affect adjacent property owners.**

The development of the new restaurant is being contained on the existing Oxmoor Shopping Center parking lot. Applicant has requested that the entrance to the restaurant face toward the mall which the LDC recognizes as an alternative orientation. The mall is the focal point of this regional center. It is anticipated that many of the patrons for the restaurant will be coming and going from the mall.

**2. The waiver will not violate the Comprehensive Plan.**

The requested waiver would not violate the Comprehensive Plan and would not alter the essential character of the general vicinity. The existing use is a regional shopping center located in a Regional Form District. The waiver and the redevelopment will allow for additional dining options, but it will not alter the essential character of Oxmoor Center. A Regional Center is a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The proposal of this type is encouraged by the Comprehensive Plan since it can strengthen the identity and success of this important center. The project is the kind of improvement that is encouraged by the Comprehensive Plan since it encourages mixed uses in a designated activity center and allows for a more compact development pattern that results in efficient land use and cost-effective infrastructure investment. The proposal will allow for the reinvestment in the property and the redevelopment of area which will create new jobs and increase the prosperity of citizens. (i.e., consistent with the Comprehensive Plan).

**3. To the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

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The applicant and the restaurant operator have requested the entrance be oriented toward the mall which is the focal point of the development. The land development code recognizes this alternative approach. The applicant and restaurant operator recognize that visitors to this regional center are likely to do business at the mall and the restaurants during the same visit. The requested waiver will allow the applicant to keep substantially the same parking configuration and planned internal circulation. The request is not an unreasonable circumvention of the requirements of the zoning regulation and will allow for more compact development on-site.

**4. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship on the applicant.**

Requiring the location of the entrance to face Shelbyville Road would create unnecessary hardship on the applicant by requiring redesign and renegotiation with the restaurant operator. The applicant is asking for the entrance to face the mall (the focal point) which is explicitly listed as an alternative in the land development code. In addition, the requested waiver will be more in line with the current parking spaces and planned internal circulation. The waiver will not cause a hazard or nuisance to the public because the Louisville Department of Public Works is anticipated to approve the proposal. This approval will indicate, among other things, that the layout of the site is safe for motor vehicles and pedestrians on site. In addition, there are and will continue to be adequate parking facilities on-site and existing access points to and from the site that are safe.

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