



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 18DevPlan1061 Intake Staff: YH

Date: 4/30/2018 Fee: \$275.00 *plus \$10.00 Apo*

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:

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 5.5.4.B.1.

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: to eliminate the berm and plantings required along the east property line in both the area of the Texas Gas esmt. and where the existing vegetation is proposed to remain.

Primary Project Address: 3201 Pond Station Road, Louisville, KY 40272

Additional Address(es): _____

Primary Parcel ID: Tax Block 1049 Lot 852

Additional Parcel ID(s): Tax Block 10817 Lot 739

Proposed Use: Warehouse Existing Use: vacant

Existing Zoning District: M-3 Existing Form District: Suburban Workplace

Deed Book(s) / Page Numbers²: 8904x893 and 10817x739

The subject property contains 13.12 acres. Number of Adjoining Property Owners: 10

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

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If yes, please list the docket/case numbers:

Docket/Case #: 18devplan1061 Docket/Case #: 15387

Docket/Case #: 14devplan1052 Docket/Case #: 03-39-06W

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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?

This request will not adversely affect the adjacent property owners where the purpose is to as possible maintain the existing dense vegetation that provides an existing and immediate buffer along this property line. The Texas Gas easement is a known existing condition that the applicant does not have control over. Texas Gas restricts any change of grade or plantings, especially of trees over their pipeline or in the easement.

2. Will the waiver violate the Comprehensive Plan?

Since the industrial use proposed is appropriately located in a Suburban Workplace Form District, since the developer is providing a 50' buffer and that with the exception of the Texas Gas easement where the applicant is not able to provide screening, a visual buffer within the 50' (with either the preservation of the existing vegetation or construction of the berm and plantings will be provided) therefore this request does not violate the Comprehensive Plan.

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

Since the applicant does not have control over the Texas Gas easement to provide a berm or screening and since to preserve the existing vegetation the waiver is needed, this request 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 regulation would deprive the applicant of the reasonable use of the land as it would not allow for the to preservation of the existing vegetation and does not provide an exception for a pipeline easement. Therefore, it would create an unnecessary hardship on the applicant. It would also negatively impact the adjacent property owners where the existing vegetation could be preserved as an alternative and due to the unnecessary impacts associated with the removal of this vegetation and the construction of the required berm and landscaping.

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Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Richard J. Robinson

Name: _____

Company: Global Port United LLC

Company: _____

Address: 13425 Eastpoint Centre Dr., Ste 125

Address: _____

City: Louisville State: KY Zip: 40223

City: _____ State: _____ Zip: _____

Primary Phone: 502 897-1044

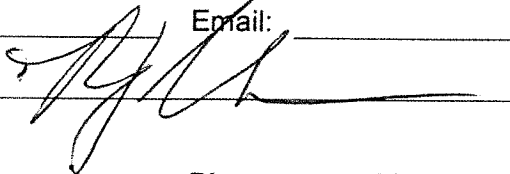
Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Owner Signature (required): 

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Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: Kathy M. Linares

Company: _____

Company: Mindel Scott

Address: _____

Address: 5151 Jefferson Blvd. Ste 101

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40219

Primary Phone: _____

Primary Phone: 502 485-1508

Alternate Phone: _____

Alternate Phone: 502 485-1606

Email: _____

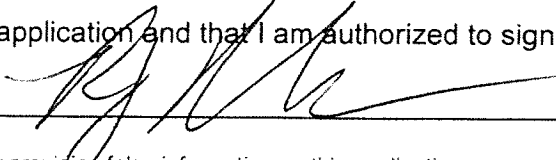
Email: klinares@mindelscott.com

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, Richard J. Robinson, in my capacity as Member, hereby *representative/authorized agent/other*

certify that Global Port United, 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: _____

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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