



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 15DEMAN1132 Intake Staff: RM

Date: 9/23/15 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 5<sup>th</sup> 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 5.6.1 Non-Residential and Mixed Use Building Design Standards

*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: Requesting a waiver from the glazing requirements listed in the Building Window Design. The Hikes Lane façade requires 686 SF of glass to meet the requirement, and we are currently providing 594 SF.

The Bardstown Road façade requires 453 SF to meet the requirement, and we are currently providing 368 SF.

Finally, the Beuchel Bypass façade currently has no clear glass because it is where we have located the "back of house" operations, including the compactor and dumpster enclosures, the receiving area and loading zone, as well as the Pharmacy drive thru. The interior of store houses our receiving area and pharmacy storage/ pharmacy operations, and clear glass (or any glass), is not conducive to CVS operations or safety / loss prevention standards.

Primary Project Address: 3708 Bardstown Road

Additional Address(es): NA

Primary Parcel ID: 061000110000

Additional Parcel ID(s): NA

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Proposed Use: Retail Pharmacy Existing Use: Gas Station & Cell Phone Repair

Existing Zoning District: C-1 & C-2 Existing Form District: SMFCD

Deed Book(s) / Page Numbers<sup>2</sup>: D.B. -9519/PG-811

The subject property contains 2.966 acres. Number of Adjoining Property Owners: 13

15DEMAN1132



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?

Yes, (b) strict application of this provision would be a hardship for CVS. They would lose a significant amount of square footage usually used for merchandising. They would also be presenting a potential safety concern with clear open glass behind the checkout area and near the pharmacy and receiving areas.

**Contact Information:**

Owner:  Check if primary contact

Applicant:  Check if primary contact

Name: Jere P. Kennedy

Name: Nate Welch

Company: Kennedy-Ellis Properties, LLC

Company: Five Star Development

Address: PO Box 436091

Address: 200 Office Park Drive, Suite 340

City: Louisville State: KY Zip: 40253

City: Birmingham State: AL Zip: 35223

Primary Phone: (502) 608-4172

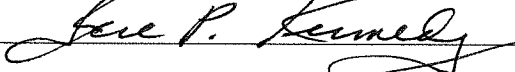
Primary Phone: (205) 206-9050

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: Jere\_kennedy@hotmail.com

Email: nate@fivestardevelopment.net

Owner Signature (required): 

Attorney:  Check if primary contact

Plan prepared by:  Check if primary contact

Name: \_\_\_\_\_

Name: Brett Basquin, P.E.

Company: PLANNING & DESIGN SERVICES

Company: Foresite Group, Inc.

Address: \_\_\_\_\_

Address: 2128 Moores Mill Road, Suite C

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

City: Auburn State: AL Zip: 36830

Primary Phone: \_\_\_\_\_

Primary Phone: (334) 887-6064

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: bbasquin@fg-inc.net

15DEVPLAN1132

**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, ~~Nate Welch~~ Jere P. Kennedy <sup>gpk</sup>, in my capacity as Managing Member ~~Five Star Development~~, hereby representative/authorized agent/other

certify that Kennedy – Ellis Properties, LLC is (are) the owner(s) of the property which name of LLC / corporation / partnership / association / etc.

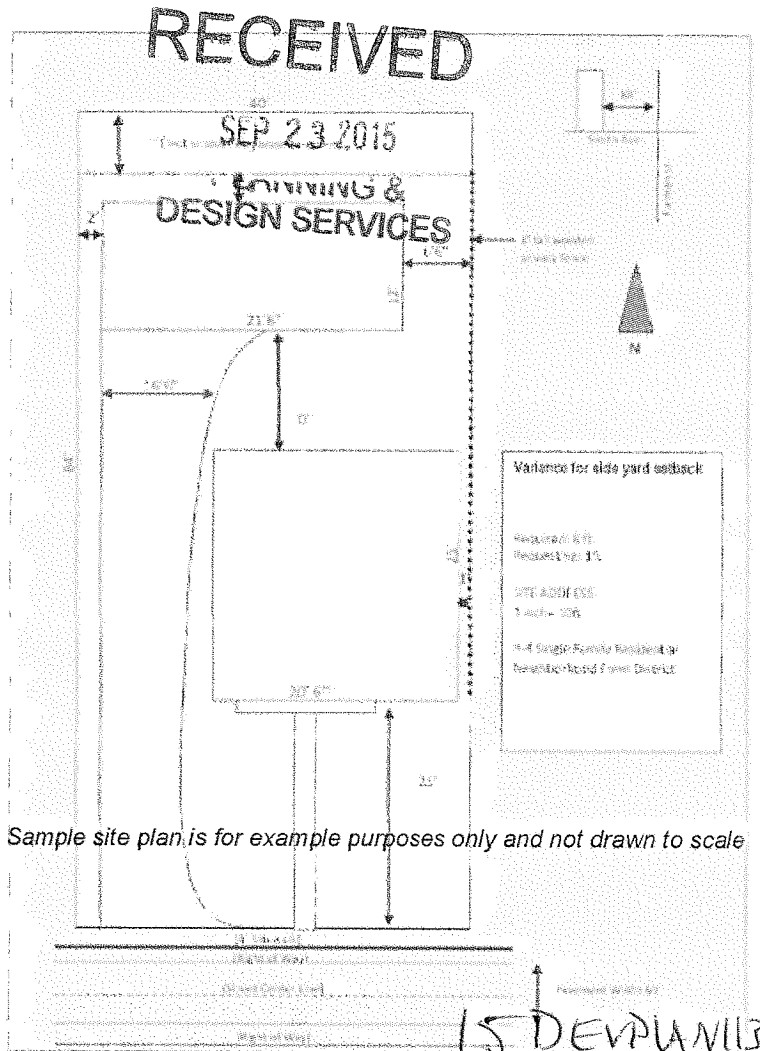
is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: Jere P. Kennedy Date: 9/22/2015

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.

**Please submit the completed application along with the following items:**

- Land Development Report<sup>1</sup>
- 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: 1<sup>st</sup> tier Adjoining Property Owners (APOs)<sup>3</sup>; 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
- \$215 Application Fee + \$1 per mailing label (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: <http://ags2.lojic.org/lojiconline/>

2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2<sup>nd</sup> floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <http://www.landrecords.jcc.ky.gov/records/S0Search.html>
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/>
4. View agency comments at: <http://portal.louisvilleky.gov/codesandregs/mainsearch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

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15DEVDA 11132



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 15DEPLN113Z Intake Staff: LM

Date: 9/23/15 Fee: \_\_\_\_\_

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### Project Information:

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- 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 requested to the required vehicular use area perimeter trees along Bardstown Road due to an existing 20' sanitary sewer easement encroaching into the property.

Primary Project Address: 3708 Bardstown Road

Additional Address(es): NA

Primary Parcel ID: 061000110000

Additional Parcel ID(s): NA

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Proposed Use: Retail Pharmacy Existing Use: Gas Station & Cell Phone Repair

Existing Zoning District: C-1 & C-2 Existing Form District: SMFCD

Deed Book(s) / Page Numbers<sup>2</sup>: D.B. -9519/Pg-811

The subject property contains 2.966 acres. Number of Adjoining Property Owners: 13

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)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: B-55-90 Docket/Case #: \_\_\_\_\_

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

**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 property area subject to this waiver is along Bardstown Road and not along a shared property line. Also, two trees will be planted along Bardstown Road between the parking lot and the property line, in addition to the interior VUA trees, to provide additional parking area perimeter screening.

**2. Will the waiver violate the Comprehensive Plan?**

No, the comprehensive plan goals for this area will still be met by providing the tree canopy requirements elsewhere on the site.

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

Yes, the existing sanitary sewer and associated easement only exists along Bardstown Road; therefore, only the vehicular use area perimeter tree requirement along Bardstown Road cannot be met.

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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?**

Yes, the landscaping/ tree canopy design exceeds the requirements in that the tree canopy requirement for the total property has been met without the use of the approximately 4,300 sf of area along Bardstown Rd. occupied by the sanitary sewer easement.

15DEVPLAN1132

**Contact Information:**

Owner:  Check if primary contact

Applicant:  Check if primary contact

Name: Jere P. Kennedy

Name: Nate Welch

Company: Kennedy-Ellis Properties, LLC

Company: Five Star Development

Address: PO Box 436091

Address: 200 Office Park Drive, Suite 340

City: Louisville State: KY Zip: 40253

City: Birmingham State: AL Zip: 35223

Primary Phone: (502) 608-4172

Primary Phone: (205) 206-9050

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: Jere\_kennedy@hotmail.com

Email: nate@fivestardevelopment.net

Owner Signature (required): *Jere P. Kennedy*

Attorney:  Check if primary contact

Plan prepared by:  Check if primary contact

Name: \_\_\_\_\_

Name: Brett Basquin, P.E.

Company: \_\_\_\_\_

Company: Foresite Group, Inc.

Address: \_\_\_\_\_

Address: 2128 Moores Mill Road, Suite C

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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certify that Kennedy – Ellis Properties, LLC is (are) the owner(s) of the property which name of LLC / corporation / partnership / association / etc.

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15DEVPLAN 1132



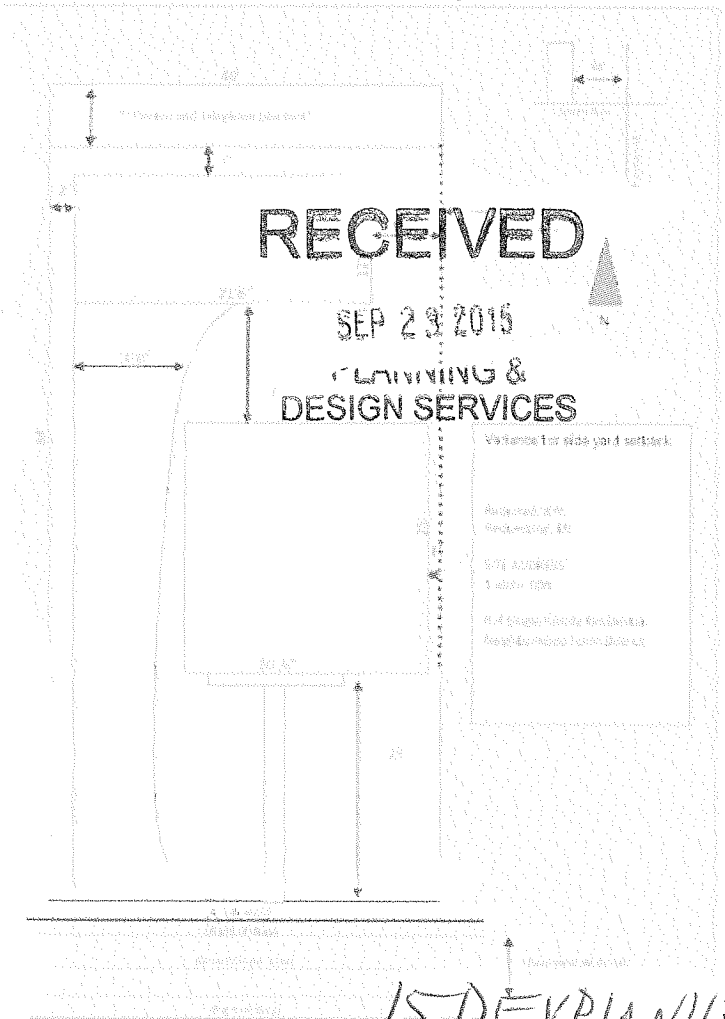
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*Sample site plan is for example purposes only and not drawn to scale*



## TRANSMITTAL

Date: September 22, 2015 Job Number: 164.060

Project Name: Bardstown Road and Hikes Lane

To: Laura Mattingly-Humphrey  
Planning and Design Services  
Metro Development Center – 3<sup>rd</sup> Floor  
444 S. Fifth Street  
Louisville, KY 40202

*We are sending these by*

U.S. Mail                       FedEx                       Hand Deliver  
 Other: \_\_\_\_\_

*We are sending you*

Attached                       Under separate cover via \_\_\_\_\_ the following items:  
 Shop Drawings     Prints/Plans     Samples     Specifications     Change Orders  
 Other: See below

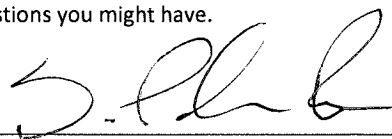
Copies	Date	No.	Description
1	9/22/15	1	Land Development Report
3	9/22/15	1	Full size copies of landscape waiver plan
3	9/22/15	1	Full size copies of building elevations
1	9/22/15	1	Landscape Waiver Application
1	9/22/15	1	Building Façade Waiver Application
1	9/22/15	1	APO mailing labels
1	9/22/15	1	Copy of APO mailing labels
1	9/22/15	1	Check for \$228 (application fee + \$1/APO)

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*These are transmitted as checked below:*

For your use                       Approved as submitted     Resubmit     Copies for approval  
 As requested                       Approved as noted     Submit     Copies for distribution  
 For review and comment     Returned for corrections     Return     Corrected prints

Remarks: Please do not hesitate to give me a call with any questions you might have.

Copy to: File                      Signed   
 Parker Ross

15DEVPLAN1132



# Land Development Report

August 6, 2015 4:01 PM

About LDC

## Location

Parcel ID: 061000110000  
Parcel LRSN: 8107307  
Address: MULTIPLE ADDRESSES

## Zoning

Zoning: C1, C2  
Form District: SUBURBAN MARKETPLACE CORRIDOR, TOWN CENTER  
Plan Certain #: NONE  
Proposed Subdivision Name: NONE  
Proposed Subdivision Docket #: NONE  
Current Subdivision Name: NONE  
Plat Book - Page: NONE  
Related Cases: B-55-90

## Special Review Districts

Overlay District: NO  
Historic Preservation District: NONE  
National Register District: NONE  
Urban Renewal: NO  
Enterprise Zone: NO  
System Development District: NO  
Historic Site: YES

## Environmental Constraints

Flood Prone Area  
FEMA Floodplain Review Zone: YES  
FEMA Floodway Review Zone: NO  
Floodplain Ordinance Review Zone: YES  
Conveyance Zone Review Zone: NO  
FEMA FIRM Panel: 21111C0060E  
Protected Waterways  
Potential Wetland (Hydric Soil): NO  
Streams (Approximate): NO  
Surface Water (Approximate): NO  
Slopes & Soils  
Potential Steep Slope: NO  
Unstable Soil: NO  
**Geology**  
Karst Terrain: YES

## Sewer & Drainage

MSD Property Service Connection: YES  
Sewer Recapture Fee Area: NO  
Drainage Credit Program: MS4 (outside of incentive area)

## Services

Municipality: LOUISVILLE  
Council District: 10  
Fire Protection District: BUECHEL  
Urban Service District: NO

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T&L Drexler Properties, LLC  
RE: Parcel 061000120000  
2011 Gardiner Lane  
Louisville, KY 40205-2909

Ken Schneider  
RE: Parcel 073300100021  
4908 Spring Farm Road  
Prospect, KY 40059-7664

Walton Hilda  
RE: Parcel 073300090013  
6600 Duff Road  
Falls of Rough, KY 40119-6503

loukhnel LLC  
RE: Parcel 073300040008  
1001 Verity Way  
Goshen, KY 40026-9428

RLM Properties, Inc  
RE: Parcel 073300010000  
705 Danes Hall Drive  
Louisville, KY 40206-2906

Cobble Hill Center Corp  
RE: Parcel 061001240000  
200 Wilmot Road  
Deerfield, IL 60015-4620

RC Franke LLC  
RE: Parcel 061000810000  
2802 Tirol Court  
Louisville, KY 40220-3432

Boone Marshall Dent  
RE: Parcel 091G00010000  
2100 Gariner Lane, Ste. 207  
Louisville, KY 40205-2948

Hettinger Dale Roy  
RE: Parcel 004300600000  
555 W Goodale Street  
Columbus, OH 43215-1104

Schildknecht Lloyd H Sr & Nona  
RE: Parcel 004303190000  
PO Box 1498  
Columbus, OH 43216-1498

Jenkins Gary B & Judy R  
RE: Parcel 004303180000  
1203 Balmoral Drive  
Louisville, KY 40205-3333

Hack George C  
RE: Parcel 004300280000  
3715 Bardstown Road, Ste 205  
Louisville, KY 40218-2269

South Central Bell Tel  
RE: Parcel 004300270000  
PO Box 7207  
Bedminster, NJ 07291-7207

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T&L Drexler Properties, LLC  
RE: Parcel 061000120000  
2011 Gardiner Lane  
Louisville, KY 40205-2909

Ken Schneider  
RE: Parcel 073300100021  
4908 Spring Farm Road  
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Walton Hilda  
RE: Parcel 073300090013  
6600 Duff Road  
Falls of Rough, KY 40119-6503

Ioukhnel LLC  
RE: Parcel 073300040008  
1001 Verity Way  
Goshen, KY 40026-9428

RLM Properties, Inc  
RE: Parcel 073300010000  
705 Danes Hall Drive  
Louisville, KY 40206-2906

Cobble Hill Center Corp  
RE: Parcel 061001240000  
200 Wilmot Road  
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555 W Goodale Street  
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Schildknecht Lloyd H Sr & Nona  
RE: Parcel 004303190000  
PO Box 1498  
Columbus, OH 43216-1498

Jenkins Gary B & Judy R  
RE: Parcel 004303180000  
1203 Balmoral Drive  
Louisville, KY 40205-3333

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RE: Parcel 004300280000  
3715 Bardstown Road, Ste 205  
Louisville, KY 40218-2269

South Central Bell Tel  
RE: Parcel 004300270000  
PO Box 7207  
Bedminster, NJ 07291-7207

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