



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 17DEVPLAN1230 Intake Staff: NH

Date: 6/29/18 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:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2.4.A
- 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 to eliminate the required LBA and planting requirements along the north and east property lines

Primary Project Address: 3911 Taylorsville Road

Additional Address(es): 2949 Breckenridge Lane; 3901 Taylorsville Road; 3905 Taylorsville Road

Primary Parcel ID: 089A00010000

Additional Parcel ID(s): 089A00560000; 089A00540000; 089A00550000

Proposed Use: Office, Retail, Restaurant Existing Use: Office, Retail, Restaurant

Existing Zoning District: C-1, C-2 Existing Form District: RC, Regional Center

Deed Book(s) / Page Numbers²: DB 6429 PG 0951; DB 5458 PG 0765; DB

The subject property contains 12.74 acres. Number of Adjoining Property Owners: 29

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 #: _____ Docket/Case #: _____

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17 DEVPLAN 1230

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?

The waiver will not adversely affect adjacent property owners since the required screening per Chapter 10 of the Land Development Code will be provided while maintaining the existing building and vehicular maneuvering area on the site.

2. Will the waiver violate the Comprehensive Plan?

Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The waiver will not violate the Comprehensive Plan since screening will be provided as required by the Land Development Code along the property boundaries with existing parking and the existing building which will be renovated and used with the current plan proposal.

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

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since VUA LBAs will be provided on the site drives and along the roadways with screening along the north and east property boundaries. New landscape islands will also be provided within the existing vehicular use area.

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 provisions of the regulations would create an unnecessary hardship on the applicant by requiring large portions on the existing building and the VUA area around the building with existing parking to be eliminated on the site.

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Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: _____

Name: Same as owner

Company: Triple M Investments Co

Company: _____

Address: PO Box 927000

Address: _____

City: Hoffman Estates State: IL Zip: 60192

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Owner Signature (required): Mi Anne Hutcheson

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Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: Chris Brown, AICP

Company: _____

Company: BTM Engineering Inc.

Address: _____

Address: 3001 Taylor Springs Drive

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40220

Primary Phone: _____

Primary Phone: 502-459-8402

Alternate Phone: _____

Alternate Phone: 502-815-7535

Email: _____

Email: cbrown@btmeng.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.

Mi Anne Hutcheson
Triple M, in my capacity as Manager, hereby
representative/authorized agent/other

I certify that Triple M 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: Mi Anne Hutcheson Date: 11/29/18

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.