

WAIVER
JUSTIFICATION
STATEMENT
(Parking and
Circulation in front of
the Building)
9420 SEATONVILLE
ROAD
CASE NO.
13DEVPLAN1003

5.51.A.3a

The Applicant requests a partial waiver of Section 5.9.2.C.4 of the Land Development Code which requires a 15' perimeter landscape buffer between the parking and Seatonville Road.

1. The waiver is necessitated by the location of Cedar Creek that in essence bisects the site substantially reducing the useable area.
2. The requested waiver is in compliance with the Comprehensive Plan because the site and use are appropriately located in the Town Center in an area where all the other existing commercial uses have parking and vehicular circulation in front of the principal structure.
3. The waiver will allow the building program to be condensed to the minimize the building area to preserve more creek buffer.
4. The proposed site plan will utilize the building to screen the parking and vehicular circulation from adjacent residential areas.

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PLANNING &
DESIGN SERVICES

13DEVPLAN1003

**WAIVER
JUSTIFICATION
STATEMENT
(Parking and Circulation in front of
the Building)
9420 SEATONVILLE ROAD
CASE NO.
13DEVPLAN1003**

The Applicant requests a partial waiver of Section 5.9.2.C.4 of the Land Development Code which requires that parking and circulation not be located in front of the building.

1. The waiver is necessitated by the location of Cedar Creek that in essence bisects the site substantially reducing the useable area.
2. The requested waiver is in compliance with the Comprehensive Plan because the site and use are appropriately located in the Town Center in an area where all the other existing commercial uses have parking and vehicular circulation in front of the principal structure.
3. The waiver will allow the site to be designed in a manner that avoids locating the impacts associated with parking areas next to residential property.
4. The proposed site plan will utilize the building to screen the parking and much of the vehicular circulation from adjacent residential areas.

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WAIVER
(Pedestrian Connection)
JUSTIFICATION
STATEMENT
9420 SEATONVILLE
ROAD
CASE NO.
13DEVPLAN1003

S.9.2 A1bi

The Applicant requests a waiver of Section 5.9.2.C.4 of the Land Development Code which requires a direct pedestrian connection Bardstown Road.

1. The waiver will not adversely effect adjacent properties as it is a perimeter buffer between the parking and roadway.
2. The requested waiver is in compliance with the Comprehensive Plan because the site is protecting large areas of Cedar Creek is appropriately requiring pedestrians to follow the existing streets sidewalks to get to the store.
3. The waiver will protect the creek environment from the construction impacts of another crossing.
4. Pedestrian uses will be accommodated adequately with the proposed sidewalk construction.

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**WAIVER
JUSTIFICATION
STATEMENT
(to allow less than the
required area of ILA
within the parking area)
9420 SEATONVILLE
ROAD
CASE NO.
13DEVPLAN1003**

The Applicant requests a partial waiver of Section 10.2.12 of the Land Development Code to allow the required ILA area to be reduced below the required 10% of the parking area.

1. The waiver is necessitated by the location of Cedar Creek that in essence bisects the site substantially reducing the useable area.
2. The requested waiver is in compliance with the Comprehensive Plan because the plan provides for an abundance of tree cover near the parking area that will serve the same purpose as the landscape islands within the parking area.
3. The waiver will allow the parking area to be condensed to minimize its' intrusion into the creek buffer.
4. The protection of existing trees and the new plantings along the southeast property line will provide nearly 43,000square feet of tree cover more than mitigating the loss of 2,409 square feet of landscape area within the parking area.

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**WAIVER
JUSTIFICATION
STATEMENT
(to allow more than 120'
between ILA within the
parking area
9420 SEATONVILLE
ROAD
CASE NO.
13DEVPLAN1003**

The Applicant requests a partial waiver of Section 10.2.12 of the Land Development Code to allow which requires an ILA area within 120' perimeter landscape buffer between the parking and the adjacent R-4 property.

1. The waiver is necessitated by the location of Cedar Creek that in essence bisects the site substantially reducing the useable area.
2. The requested waiver is in compliance with the Comprehensive Plan because the plan provides for an abundance of tree cover near the parking area that will serve the same purpose as the landscape islands within the parking area.
3. The waiver will allow the parking area to be condensed to minimize its' intrusion into the creek buffer.
4. The protection of existing trees and the new plantings along the southeast property line will more than mitigate the loss of two parking islands that would otherwise be required.

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**WAIVER
JUSTIFICATION
STATEMENT
(Parking encroaching
into the required 25'
landscape buffer along
R-4 in the Town Center)
9420 SEATONVILLE
ROAD
CASE NO.
13DEVPLAN1003**

The Applicant requests a partial waiver of Section 10.2.4 of the Land Development Code which requires a 25' perimeter landscape buffer between the parking and the adjacent R-4 property.

1. The waiver is necessitated by the location of Cedar Creek that in essence bisects the site substantially reducing the useable area.
2. The requested waiver is in compliance with the Comprehensive Plan because although the landscape buffer is required because the property is adjacent to an R-4 tract, that property is no longer used for residential purposes.
3. The waiver will allow the parking area to be condensed to minimize its' intrusion into the creek buffer.
4. The required buffer is not necessary as the proposed plan will allow for the Methodist Church to acquire the adjacent R-4 tract and utilize it for other than residential purposes.

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**WAIVER
JUSTIFICATION
STATEMENT**
**(reduction of required 15' landscape
buffer between Seatonville Road and
the proposed parking area)**
9420 SEATONVILLE ROAD
CASE NO. 13DEVPLAN1003

The Applicant requests a partial waiver of Section 10.2.10 of the Land Development Code which requires a 15' perimeter landscape buffer between the parking and Seatonville Road which the applicant is requesting be reduced to 7.5'.

1. The waiver is necessitated by the location of Cedar Creek that in essence bisects the site substantially reducing the useable area.
2. The requested waiver is in compliance with the Comprehensive Plan because due to right-of-way contributions from this tract there is already a wide verge in this area of more than 30' from the edge of pavement.
3. The waiver will allow the building program to be condensed to minimize the development area to preserve more creek buffer.
4. The proposed site plan will provide for an adequate area for landscaping to screen the parking lot in this area..

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**JUSTIFICATION
(Development Plan)
9420 SEATONVILLE ROAD
CASE NO. 13DEVPLAN1003**

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The subject Development Plan represents a reasonable approach to developing a 2.75 acre property that exclusive of any waivers or variances would be reduced to 0.70 acres of developable area. This degree of planning constraint has understandably made the property difficult to market. The sites location near a pre-existing store on an expiring lease and its proximity to other major retailers and a proposed medical facility has made the undertaking feasible for CVS.

Granting the importance of protecting the remaining natural area along Cedar Creek the proposal strives to mitigate the impacts of the proposed pharmacy to the maximum degree that will allow its' essential functions. Nevertheless, to accomplish this a number of variances and waivers from the Development Code are required. Even with the requested variances and waivers floodplain and new runoff compensation requirements will have to be met off-site at the developers expense.

1. The plan makes the maximum effort to protect the Cedar Creek environment, no construction is proposed near the creek. The plan through the proposed easement on the adjacent property to the southwest protects the creek all the way from where it crosses the Seatonville Road to where it crosses Bardstown Road.
2. The proposed plan has been approved by Metro Works with regard to both vehicular and pedestrian circulation. Additionally the plan provides for the connection to the Fern Creek Methodist Church providing an alternative route for customers of the pharmacy and a needed alternative exit route for church goers.
3. The proposed plan ultimately provides for 1.4 acres of open space on site and via the easement arrangement 1.2 acres of open space off-site. Essentially off-setting the additional size of the proposed pharmacy development over the previously approved plan for a bank at this location.
4. The proposed plan provides for compensation for both new run-off and fill within the floodplain. The proposed development does not encroach on the Local Conveyance Zone. Accordingly the plan has been approved by MSD.
5. The proposed commercial development is compatible with other commercial development in the immediate vicinity and the site design incorporates the combination of a brick and vegetative screening to provide a separation between residential and commercial uses.
6. The proposed plan conforms with the uses permitted within the Town Center Form District in a way that to the maximum degree possible protects the natural resources in the property and the adjacent residential properties.

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