



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 18WAIVER1010 Intake Staff: NH
Date: 3/12/18 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
- Other: Waiver of Section Chapter 10, Part 3.5, A.7

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: Proposing a decorative gas fire pit in a Parkway Buffer

Primary Project Address: 2525 Hurstbourne Gem Ln.

Additional Address(es): _____

Primary Parcel ID: 003808360000

Additional Parcel ID(s): _____

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Proposed Use: No change of use Existing Use: Restaurant

Existing Zoning District: C-2 Existing Form District: Suburban Marketplace

Deed Book(s) / Page Numbers²: 8742 0139 Corridor

The subject property contains 1.8449 acres. Number of Adjoining Property Owners: 7

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

If yes, please list the docket/case numbers:

Docket/Case #: _____ Docket/Case #: _____

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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?

The fire pit is for decorative purpose only and no cooking or seating is proposed. The footprint of the fire pit is only 40sf and all affected plantings will be relocated on the site, so as not to deprive the Parkway Buffer of its planting requirements. The purpose of the decorative fire pit is to improve the aesthetics of the restaurant and will only affect the adjacent property owners positively.

2. Will the waiver violate the Comprehensive Plan?

I am not aware of any violation of the Comprehensive Plan. The increase in business for restaurant by improving its aesthetics will only positively affect the surrounding businesses and the economy of the overall area.

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

Yes the waiver of the regulation to allow fire pit structure in the Parkway Buffer along with the relocation of the (4) trees in front of the fire pit is the minimum necessary.

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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?

As mentioned above, any affected plantings in the Parkway Buffer will be relocated/ replanted to not deprive the Parkway Buffer of plantings. The decorative fire pit will not be a nuisance to the adjacent property owners and will only positively affect the aesthetics and economy of the overall area. The fire pit is a brand standard that is being installed at Smokey Bones locations all over the U.S.

Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: B.H. Griffin, III

Name: Robert Stamm

Company: Ben Hill Griffin, Inc.

Company: Smoky Bones

Address: P.O. Box 127

Address: 2999 NE 191st Ave

City: Frostproof State: FL Zip: 33843

City: Aventura State: FL Zip: 33180

Primary Phone: 863-635-2251

Primary Phone: 561-23-1456

Alternate Phone: _____

Alternate Phone: 786-419-4424

Email: _____

Email: rstamm@smokybones.com

Owner Signature (required): 

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

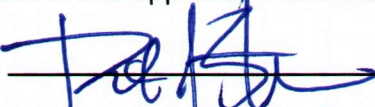
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Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Robert Stamm, in my capacity as representative, hereby
representative/authorized agent/other

certify that Ben Hill Griffin, Inc. 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: 3/5/2018

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.



Land Development Report

February 15, 2018 4:53 PM

About LDC

Location

Parcel ID: 003808360000
 Parcel LRSN: 1020133
 Address: 2525 HURSTBOURNE GEM LN

Zoning

Zoning: C2
 Form District: SUBURBAN MARKETPLACE CORRIDOR
 Plan Certain #: 09-070-98
 Proposed Subdivision Name: NONE
 Proposed Subdivision Docket #: NONE
 Current Subdivision Name: NONE
 Plat Book - Page: NONE
 Related Cases: NONE

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: NO

Environmental Constraints

Flood Prone Area

FEMA Floodplain Review Zone: NO
 FEMA Floodway Review Zone: NO
 Local Regulatory Floodplain Zone: NO
 Local Regulatory Conveyance Zone: NO
 FEMA FIRM Panel: 21111C0063E

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

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Sewer & Drainage

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

Services

Municipality: JEFFERSONTOWN
 Council District: 11
 Fire Protection District: JEFFERSONTOWN, McMAHAN
 Urban Service District: NO

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Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160

Attn: Property Owner
Gray Properties, LLC
2505 Hurstbourne Gem Ln.
Louisville, KY 40220

Attn: Property Owner
Ganesh Properties, LLC
2515 Hurstbourne Gem Ln.
Louisville, KY 40220

Attn: Property Owner
Red Mountain Asset Fund II
2520 Hurstbourne Gem Ln.
Louisville, KY 40220

Attn: Property Owner
FCPT Hospitality Properties
2535 Hurstbourne Gem Ln.
Louisville, KY 40220

Attn: Property Owner
Bre Retail Residual Owner
9000 Taylorsville Rd.
Louisville, KY 40229

Attn: Property Owner
Citizens Fidelity Bank Trust Co.
2501 S. Hurstbourne Pkwy.
Louisville, KY 40220

Attn: Property Owner
2503 Hurstbourne Pkwy, LLC
2503 S. Hurstbourne Pkwy.
Louisville, KY 40220

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