



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 15DEVPLAN1103 Intake Staff: RMC

Date: 8/6/15 Fee: 215

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 5.9.2.A.1.b.ii

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: Request to omit vehicular connection to the adjacent non-residential developments

Primary Project Address: 13001 Plantside Drive, Louisville, KY 40299

Additional Address(es): _____

Primary Parcel ID: Tax Block 39 Lot 1126

Additional Parcel ID(s): _____

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Proposed Use: warehouse Existing Use: vacant

Existing Zoning District: PEC Existing Form District: SWFD

Deed Book(s) / Page Numbers²: 8500 899

The subject property contains 10.71 acres. Number of Adjoining Property Owners: 8

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 #: 15DEVPLAN1103 Docket/Case #: 10-51-05 & 9-67-05

Docket/Case #: 14489 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?

This request will not adversely affect the adjacent property owners because both the Eaton and Rev-a Shelf facilities have adequate access with 2 existing site entrances, they do not have retail sales that might encourage cross traffic and, like this use, prefer to keep their delivery vehicles separate from other traffic as much as possible. As a secure facility we expect Eaton would in fact oppose such a connection. Neither of the adjacent developments provided any similar connections to adjacent lots.

2. Will the waiver violate the Comprehensive Plan?

The request will not violate the Comprehensive plan because appropriate access is being provided on this site and exists on the 2 adjacent developments, since providing the connection will not reduce traffic on Plantside Drive as cross traffic between these uses is not anticipated, and since providing the connections would adversely impact the security Eaton requires and the safety of drivers by increasing truck and car traffic conflicts. (Guideline 7. Circulation)

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

Since the requirement for a connection to each of the adjacent developments would have a negative impact on the security of the adjacent users, as well as, increase truck and car traffic conflicts, the waiver of the regulation 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 provisions of the regulation would deprive the applicant of the reasonable use of the land since the connections would serve no foreseen purpose and create traffic conflicts. It would create an unnecessary hardship on the applicant and the adjacent developments as it would negatively impact security and possibly pose economic difficulty for the applicant in the added cost of setting the grade of this site at a different elevation to connect with the adjacent lots, when steep grades already need to be addressed in the design of the site.

SPENCER WILSON



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 15DEVPLAN1103 Intake Staff: LM

Date: 8/18/15 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 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 5.12.2.A.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: Request to reduce the size of the required amenity area from 10% of the building area to 10% of the office area.

Primary Project Address: 13001 Plantside Drive, Louisville, KY 40299

Additional Address(es): _____

Primary Parcel ID: Tax Block 39 Lot 1126

Additional Parcel ID(s): _____

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Proposed Use: warehouse Existing Use: vacant

Existing Zoning District: PEC Existing Form District: SWFD

Deed Book(s) / Page Numbers²: 8500 899

The subject property contains 10.71 acres. Number of Adjoining Property Owners: 8

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 #: 15DEVPLAN1103 Docket/Case #: 10-51-05 & 9-67-05

Docket/Case #: 14489 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?

This request will not adversely affect the adjacent property owners because the amenity area is intended to only serve the development/user of the site on which it is located.

2. Will the waiver violate the Comprehensive Plan?

The request will not violate the Comprehensive plan because an amenity area will still be provided for use by the employees of this building, just at a reduced size that is more appropriate for the number of employees as opposed to the size of the warehouse development.

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

The waiver of the regulation is the minimum necessary to afford relief to the applicant since as written the amenity area would be over sized just as a warehouse is typically much larger in scale than other buildings with the same number of employees. In addition, the size of the amenity area impacts the number of seats that need to be provided since it is based on the size of the amenity area. Therefore basing the size of the amenity area on the size of the office makes its size more consistent with what is required for other uses.

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 regulation would create an unnecessary hardship on the applicant with the requirement for a much larger amenity area than would otherwise be required if the size of the area was related to the number of employees. (A much smaller building or one with multiple stories, but with the same number of employees would provide a smaller amenity area since the size is determined based on the building footprint.)

15DEVPLAN1103

District Development Plan Justification

In order to justify approval of any district development plan, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, floodplains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?

The site has some steep slopes, is partially wooded and has the remainder of an ex. intermittent stream that is currently piped on either end from both Earl Jones Way and Plantside Drive. These resources are not being preserved as this land is zoned and approved for development as part of a business park – Blankenbaker Station, case #9-67-05, 10-51-05, 13723 and 14489.

2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?

Safe and efficient vehicular access will be provided with the entrances provided from Plantside Drive and Earl Jones Way as shown on the plan. Sidewalks will be provided along the sites road frontage and into the development as required by Code

3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?

A significant amount of open space is proposed within the Blankenbaker Station business park. No open space is required with this proposal.

4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?

This plan will provide adequate drainage facilities. It will be reviewed by and meet the Metropolitan Sewer District's approval.

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5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?

By case #9-67-05, 10-51-05 and more recently 14489, this site and the surrounding area has been zoned PEC and approved as a business park. The development proposed is a compatible use and appropriately located in the business park.

6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?

This proposal is in conformance with both as outlined in the original zoning case's justification.

13 DECEMBER 2015