



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 19-WAIVER-0022 Intake Staff: RM  
Date: 7-15-2019 Fee: \$225

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/Planning-Design>.

### 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 \_\_\_\_\_

*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: TO ALLOW PARKING IN THE 10-FT LBA

Primary Project Address: 510 E CHESTNUT STREET

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: 016H-0126-0000

Additional Parcel ID(s): 016H-0141, 0142, 0143, 0144, 0146, 0147-0000

Proposed Use: OFFICE Existing Use: OFFICE

Existing Zoning District: OR-2 Existing Form District: DOWNTOWN

Deed Book(s) / Page Numbers<sup>2</sup>: BOOK 016H, PAGES 0126, 0141, 0142, 0143, 0144, 0146, 0147

The subject property contains 2.401 acres. Number of Adjoining Property Owners: 5

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:

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Docket/Case #: \_\_\_\_\_ Docket/Case #: JUL 15 2019  
Docket/Case #: \_\_\_\_\_ Docket/Case #: DESIGN SERVICES

**Contact Information:**

Owner:  Check if primary contact

Applicant:  Check if primary contact

Name: CAMILO CIELO

Name: DREW HATCHER

Company: THE AMERICAN RED CROSS

Company: LUCKETT & FARLEY

Address: 510 E CHESTNUT STREET

Address: 737 SOUTH THIRD STREET

City: LOUISVILLE State: KY Zip: 40202

City: LOUISVILLE State: KY Zip: 40202

Primary Phone: 502-589-4450

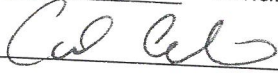
Primary Phone: 502-585-4181

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

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

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

Email: dhatcher@luekett-farley.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: \_\_\_\_\_

**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, CAMILO CIELO, in my capacity as REPRESENTATIVE, hereby certify that THE AMERICAN RED CROSS 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: 6/26/19

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.

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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?**

NO. ADJACENT LOTS ARE OF THE SAME USE AND INTENSITY CLASS AS THIS PROPERTY (OFFICES, PARKING GARAGES, PARKING LOTS). CONVERSELY, BECAUSE THIS IS A COMBINED SEWER AREA, ADJACENT OWNERS WILL BENEFIT FROM THE ADDED DETENTION AND PERVIOUS AREAS ON SITE THAT REDUCE OVERALL STORMWATER FROM THE SITE INTO THE SURROUNDING ROADS AND ALLEYS.

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

NO. THIS WAIVER WILL NOT CHANGE THE FUNCTION OF THE PROPERTY OR THE CHARACTER OF THE LOT. IN ADDING LANDSCAPING, STREET TREES AND TREE CANOPY THROUGH THE REPLACING OF THE EXISTING AGING OFFICE BUILDING WITH THE PROPOSED LOT, THE NEIGHBORHOOD STREETScape WILL BE IMPROVED DRAMATICALLY.

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

YES. THIS WOULD ALLOW THE AMERICAN RED CROSS TO MOVE CRUCIAL VOLUNTEER FUNCTIONS TO THIS SITE, ENABLING EFFICIENT USE OF AN OTHERWISE AGING AND UNDERUTILIZED FACILITY. REMOVING PERIPHERY PARKING STALLS IN THE 10-FT LBA FROM THE PROPOSED PLAN REDUCES AVAILABLE ADDED PARKING BY 26%.

**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?**

STRICT APPLICATION OF THE PROVISIONS WOULD REQUIRE THE LAND OWNER TO APPLY CURRENT-DAY REQUIREMENTS TO THE EXPANSION OF A PARKING LOT BUILT BEFORE THESE REGULATIONS EXISTED. THE CHARACTER AND FUNCTION OF THE CURRENT PARKING LOT AND OVERALL SITE WOULD BE DISRUPTED, AND THE DESIGN OF THE LOT EXPANSION WOULD BE INEFFICIENT AND ITS FUNCTIONALITY DECREASED DUE TO LESS USABLE SPACE BEING AVAILABLE TO THE OWNER. ADDITIONALLY, THE OWNER WILL PROVIDE INTERNAL LANDSCAPING AREAS TO BOTH THE NEW PARKING AREA AND THE EXISTING LOT TO EXCEED TREE CANOPY COVERAGE AND ILA REQUIREMENTS OF THE NEW PARKING EXPANSION.

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