



# Louisville Metro Planning & Design Services

## Land Development Code Waiver Checklist and Application

### Supplemental Information

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

- Waiver of Chapter 10, Part 2 Landscaping Design
- Waiver of Chapter 10, Part 1, Tree Canopy
- Sidewalk Waiver
- Other Waiver of the Land Development Code, briefly explain below:

Waiver of Section 5.9.2.A.1.b.i, to waive the requirement for a pedestrian access from Plantside

Drive right-of-way (public sidewalk) through off-street parking area to non-residential building entrance.

### Reason for Request:

The proposed waiver is requested because there is a large change of grade from the proposed off-street parking area to the Plantside Drive right-of-way. The difference in elevation between the off-street parking and Plantside Drive is approximately 8 to 11 feet from the edge of the parking lot to the location of the proposed sidewalk. Retaining walls are being used in this area to accommodate these grading changes. If a pedestrian access were to be constructed, the use of steps would be required. The property will front on two streets Plantside Drive and Urton Court (proposed). There will be a pedestrian access from Urton Court to the building.

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In order to justify approval of any waiver, the Planning Commission considers four (4) criteria. Please answer all of the following items. Use additional sheets, if needed. **\*All questions must be answered. 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 the adjacent property owners. Adjacent property owners will not be affected by this waiver. The development is located in an existing business park, so there would be no need for these adjacent property owners to access the building through the off-street parking area. The other adjoining property owners do not access Plantside Drive, so they would not be affected either.

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

Approval of the proposed waiver will not violate the Comprehensive Plan. The applicant is proposing to build a sidewalk from Plantside Drive and Urton Court which will lead to the building through the employee access point. This will allow pedestrians to access the building via sidewalk along the right-of-way providing a safe and efficient path, which complies with the intent of the Comprehensive Plan.

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

The extent of the waiver requested is the minimum necessary because of the topography of the site. The difference in elevation from the proposed off-street parking area to the sidewalk located along Plantside Drive is 7 to 8 feet in elevation making it necessary to provide steps to manage the elevation difference. There will be sidewalks that serve the public which will allow access to the building.

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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 this regulation would deprive the applicant reasonable use of the land and would create a hardship on the applicant. If the access from Plantside Drive (sidewalk) was constructed, it would create a situation where stairs are needed. We are still providing access (sidewalk) along Urton Court which will be constructed to the building, therefore we meet the intent of the regulation.

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