

Jacobi, Toombs & Lanz, Inc.
Consulting Engineers & Land Surveyors

October 24, 2013

Louisville Metro Planning & Design Services
444 S. 5th Street
Louisville, KY 40202

RE: Highlands Latin School, Docket/Case #09-003-06, Parcel ID 022-0093-0000
Justification for Waivers from LDC Section 6.2.6, Section 10.2.4 and Section 5.9.2

Enclosed please find revisions to a previously submitted District Development Plan, original case number 09-003-06. The new submittal has altered the layout of the proposed gymnasium as well as added parking and an additional classroom building. In addition to the proposed buildings, we also propose changes to the existing parking layout and traffic patterns, and adding one-way traffic throughout the site to help ease traffic flow and to relieve traffic from Shelbyville Road.

In addition to the Development Plan, we request three waivers from the Land Development Code, as follows:

Waiver #1: We request a waiver of section 6.2.6 of the LDC, which requires applicants to provide sidewalks in the right-of-way adjacent to existing roads. Adherence to the code would require the applicant to construct a concrete sidewalk within the 25' streamside zone of Middletown Branch. Constructing a concrete sidewalk in that location along Shelbyville Road will violate section 4.8.6 of the LDC, which limits activities in the streamside zone to public flood control structures, utility rights of way, pedestrian-only trails, and road crossings. The topographic layout of the land would make such construction difficult and costly. (Please see the attached Photo Addendum and cross-section of the subject area.) Additionally, since the Highlands Latin School is a privately owned and operated school, all attending students are transported to the site by private vehicles with no students walking to the school from adjacent properties, eliminating the need for a sidewalk to the site for student access via Shelbyville Road. Designated drop-off areas within the site also eliminates the students' need for sidewalks along the interior road, which is lined on both sides by mature trees that would be negatively impacted by sidewalk construction.

Waiver #2

We request a waiver of section 10.2.4 of the LDC, which refers to property perimeter landscape buffer areas. For this site, the code requires the applicant to provide a 20' landscape buffer along the perimeter of the site. We believe this requirement should be waived because there is currently an existing iron fence with landscaping on the west boundary, steep slopes on the east boundary, and a wooden fence on the north boundary. The existing use of the area on the north boundary is paved driving/parking, which use will not change with the proposed

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development. We feel that these features adequately screen the site and that the existing use of the north area be allowed to continue. We also propose to use green BMPs for storm water detention as well as preserving as many existing mature trees as possible and increasing the proposed tree canopy above the requirements, which will add to the proposed landscaping. By incorporating the additional measures we believe the intent of the LDC is met.

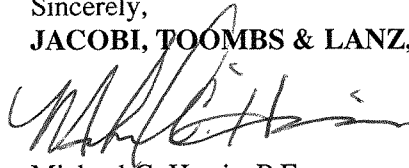
Waiver #3

We request a waiver of section 5.9.2 of the LDC. This section requires the applicant to provide transit related design features and amenities for transit riders. The justifications for this waiver are the same as for waiver #1 regarding private transportation only for students to the site and with the addition that we do not believe it is possible to provide safe access along Shelbyville Road. Additionally, the school does not want to promote pedestrian access through or across the site from Shelbyville Road as that could potentially compromise the safety and security of the students. The construction of sidewalks in the right-of-way of the interior road would also negatively impact existing mature trees that line both sides of the road, causing them injury or requiring their removal.

By granting the requested waivers, we believe we can more adequately conform to the overall intent of the LDC and provide a modern, aesthetically pleasing and safe school.

Please refer to the plan sheet for additional information.

Sincerely,
JACOBI, TOOMBS & LANZ, INC.



Michael C. Harris, P.E.
Vice President

Additional Information

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?

Waiver of Section 10.2.4 will not adversely affect adjacent property owners as existing conditions already meet the landscape buffer requirements and the Waiver Area 2 along the north boundary of the site is currently paved for driving/parking and will remain unchanged with the proposed site development.

2. Will the waiver violate the Comprehensive Plan?

Waiver of Section 6.2.6 will relieve the unintended consequence of violating LDC Section 4.8.6, which limits activities in the streamside zone. Waiver of Sections 6.2.6 and 5.9.2 would not violate the Comprehensive Plan as the requirements are already met by the existing conditions and the current Waiver Area 2 use for driving/parking will not change with the development.

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

Yes; the applicant is not requesting waivers for any sections that do not conflict with the site uses or compliance with other sections of the LDC.

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 Section 6.2.6 would cause a violation of Section 4.8.6 and result in unreasonable construction costs to the applicant. Application of 10.2.4, 6.2.6 and 5.9.2 would burden the applicant with costs to duplicate site elements that already exist. Application of Section 5.9.2 would result in potentially unsafe access along Shelbyville Road and compromise the safety and security of the students at the school. The applicant is providing green design components and increased tree canopy to off-set these waivers.

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HIGHLANDS LATIN SCHOOL, PARCEL 0022-0093-0000
PHOTO ADDENDUM TO SUPPORT WAIVER OF LDC 6.2.6



PHOTO 1: Facing Southwest toward Shelbyville Road (red sign is at Shelbyville Road crossing of Middletown Branch) looking at property adjacent to east of Highlands Latin School.



PHOTO 2: Facing Southwest toward Shelbyville Road, same view as above from further west of property entrance (red sign in background is at Shelbyville Road crossing of Middletown Branch).

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PHOTO 3: Facing East-Southeast toward Shelbyville Road at Highlands Latin School entrance crossing Middletown Branch.



PHOTO 4: Facing East toward Shelbyville Road at entrance of property adjacent to East boundary of the Highlands Latin School, also crossing Middletown Branch.

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DATE	8/14/2013
JOB NO.	13101
PROJECT	HIGHLANDS LATIN SCHOOL
DESIGNED BY	MM
CHECKED BY	MM
DATE PLOTTED	8/14/2013
SCALE	AS SHOWN

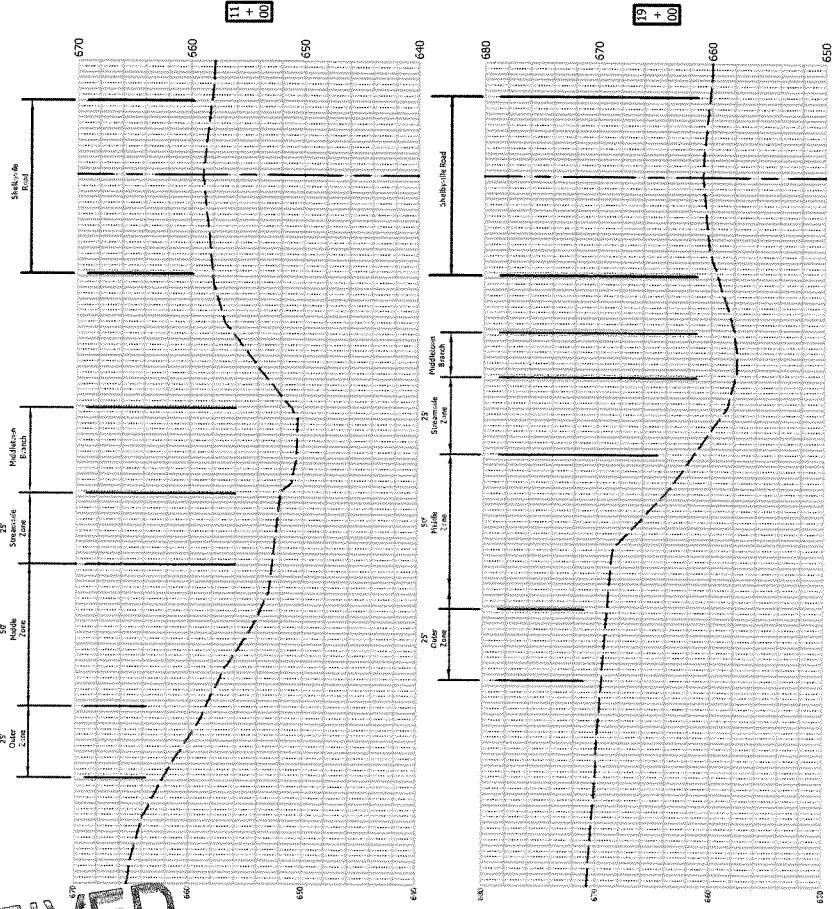
HIGHLANDS LATIN SCHOOL
 DETAILED DEVELOPMENT PLAN
 SHELBVILLE ROAD

CROSS SECTIONS

Jacobi, Toombs & Lanz, Inc.
 Consulting Engineers & Land Surveyors
 4603 POPLAR LEVEL ROAD
 LOUISVILLE, KY 40213



HORIZONTAL SCALE	1" = 20'
VERTICAL GRAPHIC SCALE	
VERTICAL SCALE	1" = 0'
HORIZONTAL GRAPHIC SCALE	



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TIME	

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