



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 15DEVPLAN1170 Intake Staff: JL

Date: 11-09-15 Fee: 216

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/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 10.2.4.B.

*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: Waiver to permit more than 50% overlap of LBA and easement

Primary Project Address: 950 North Hurstbourne Parkway 40222 (1000 Building) 15DEVPLAN1170

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

Primary Parcel ID: 002106120000

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Office Existing Use: Vacant

Existing Zoning District: OR3 Existing Form District: Campus

Deed Book(s) / Page Numbers<sup>2</sup>: 002106120000

The subject property contains 48.10 acres. Number of Adjoining Property Owners: 4

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:

Docket/Case #: 15DEVPLAN1170 Docket/Case #: 13644

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 waiver will not negatively affect adjacent property owners. Required width of landscape buffer area and landscaping will be provided within the vehicular use area landscape buffer area along both Whipps Mill and North Whittington.

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

No. Required width of landscape buffer area and landscaping will be provided within the vehicular use area landscape buffer area along both Whipps Mill and North Whittington despite the easement overlap.

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

One of the first phases of ShelbyHurst Campus development was to build roads and provide utilities along these roads. Electric, telephone, gas, water, and sanitary easements exist along North Whittington Parkway primarily (minimal easement overlap on Whipps Mill) where underground utilities were installed. The location of the utility nor its easement will be relocated to avoid conflict with the LBA's.

**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 fifteen foot LBA will still be provided to screen proposed parking from the roadways as will the required landscaping screen and trees.

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### 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.i.

*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: Waiver to provide direct pedestrian connection from right-of-way to building entrance

Primary Project Address: 950 North Hurstbourne Parkway 40222 (1000 Building) 15DEVPLAN1170

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

Primary Parcel ID: 002106120000

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Office Existing Use: Vacant

Existing Zoning District: OR3 Existing Form District: Campus

Deed Book(s) / Page Numbers<sup>2</sup>: 002106120000

The subject property contains 48.10 acres. Number of Adjoining Property Owners: 4

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

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If yes, please list the docket/case numbers:

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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 waiver will not negatively affect adjacent property owners. Not providing sidewalk access directly from Whipps Mill to the western building entrance will only cause pedestrians traveling from Whipps Mill into the park to have to travel approximately 200 feet further via existing sidewalk on Whipps Mill that connects to North Whittington Parkway to access the building.

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

No. Adequate pedestrian circulation is provided. There are existing sidewalks on Whipps Mill and North Whittington Parkway the entire lengths of the property. Connections into the site are made from North Whittington Parkway. Since this is a corner lot, providing direct access from Whipps Mill would be somewhat excessive.

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

If a sidewalk was constructed from Whipps Mill to the western buiding entrance, a bridge structure would need to be constructed over the existing large rock ditch. This would be a costly endeavor.

**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 existing sidewalk infrastructure, proposed access onto site, and sidewalks within the site are adequate to provide safe, appropriate, and accessible pedestrian connection and access to the site.

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### 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 5.5.2.C.2.

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Explanation of Waiver: Waiver to permit parking in between building and primary street

Primary Project Address: 950 North Hurstbourne Parkway 40222 (1000 Building) 15DEVPLAN1170

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

Primary Parcel ID: 002106120000

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Deed Book(s) / Page Numbers<sup>2</sup>: 002106120000

The subject property contains 48.10 acres. Number of Adjoining Property Owners: 4

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

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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 waiver will not negatively affect adjacent property owners. The intent of the layout for this site is to work with existing grades and also to orient the building towards the exterior of campus towards Whipps Milll similarly to the orientation towards Hurstbroune Parkway for the 600 and 700 buildings. The location of the building on the property has no effect on adjacent property owners.

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

No. The layout and orientation building is keeping in context with the existing development at ShelbyHurst campus – 600 building and 700 building as mentioned before.

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

This parcel has been established to be a smaller building footprint/square footage site. If the building was oriented to front on North Whittington Parkway in front of the parking, and 50% or less of building frontage distance was designated for parking, it is doubtful that this same amount of parking would be able to fit on the site. Or if it could, it would be more costly to construct due to the site dropping off towards the retention basin on the north side of the site.

**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 current design works with existing grades by locating the building at the top of slope down/drop off to the retention basin and spanning the parking on the flatter southern portion (adjacent to North Whittington Parkway) in front of the building. If the parking is stacked in between the building (fronting on North Whittington Parkway) and retention basin, more site grading and/or additional fill dirt would need to be brought onto site. Both of these items (moving earth and bringing dirt onto the site) are costly, so a layout that is consistent with 5.5.2.C.2. would be more expensive to construct.

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