



**OFFICE OF PLANNING & DESIGN SERVICES  
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**Waiver Justification**

Waiver of Land Development Code Section(s): WAIVER OF REQUIREMENT IN LDC SECTIONS 10.2.10 AND 10.2.11 FOR A FIFTEEN-FOOT LANDSCAPE BUFFER AREA (LBA) AND PLANTING REQUIREMENTS BETWEEN LOTUS AVENUE, THE EXISTING PARKING LOT, AND THE PROPOSED PHASE 2 ADDITION.

In accordance with Chapter 11.8 of the Land Development Code, the Planning Commission or Board of Zoning Adjustment must consider, but is not limited to, 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. Explain how the waiver will not adversely affect adjacent property owners; and,**

The waiver from requirements to provide perimeter landscape buffer areas around the Subject Property will not adversely affect adjacent property owners because the Applicant owns both properties adjacent to the Subject Property, thereby making the area subject of the waiver request internal to the Applicant's overall industrial campus. Additionally, street trees will be proposed along Lotus Avenue as a continuation of trees planted during Phase 1 construction.

**2. Explain how the waiver will not violate the Comprehensive Plan; and,**

The requested landscape waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed use is consistent with the Suburban Workplace Form District. The waiver will create no adverse visual impacts to the surrounding areas, as they are all industrial uses and parking lots. For all the foregoing reasons, the property perimeter landscape waiver request, as applied to the area between Lotus Avenue, the existing parking lot, and the proposed Phase 2 addition will not violate the Cornerstone 2020 Comprehensive Plan.

**3. Explain how the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,**

The extent of the requested perimeter landscape waiver is the minimum necessary to afford relief to the applicant because, in the specific context of this proposed Category 2B Development Plan, the landscape buffer requirements pertain to buffering Applicant's proposed structure, vehicular parking and maneuvering area from the Applicant's own industrial buildings, and other, existing parking areas rather than from an adjacent property whereon a residential use is established. There is no real need to buffer the proposed use on the property from itself, thus the waiver from planting requirements.

**4. Either:**

- a. Explain how the applicant has 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**
- b. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.**

The proposed flight simulator building, parking area, and maneuvering area are in an industrial area with adjacent developments owned by the Applicant, negating the need for a visual buffer. Therefore, and for all the reasons set forth herein, the strict application of the buffering provisions to the Subject Property would create an unnecessary hardship on the applicant because it essentially requires the Applicant to expend money to establish and maintain buffering. Additionally, street trees will be proposed along Lotus Avenue as a continuation of trees planted during Phase 1 construction.