

**LDC WAIVER JUSTIFICATION STATEMENT**  
**RENAISSANCE ON BROADWAY**  
**4440 & 4422 West Broadway**  
**22-ZONE-0075**

**September 2, 2022**

The applicant, Renaissance on Broadway, LP, is requesting a change in zoning from R-5, Single-Family and R-7, Multi-Family to all R-7 Multi-Family Residential to develop an attainable housing community on the property located at 4440 and 4422 West Broadway, in the Chickasaw Neighborhood, Louisville, KY 40211 (the "Property"). In conjunction with its rezoning request, the applicant is also requesting a waiver of Section 10.2.10 of the Land Development Code ("LDC") to allow omission of vehicular use area landscape buffer area ("VUA LBA") of less than 10,000 square footage along a section of Property's eastern property line, in the middle of the lot, where it is adjacent to existing VUA area and a small grassy spot on Christ the King Church's property (the "Waiver"). The shared property line here is atypical in that the property line takes a hard, 90 degree change in course in the middle of the lot. The Waiver is requested so that the applicant can maintain the area for vehicle usage, as it is today, to provide intra-connections within the site between the parking area serving the proposed housing development on the northern part of the parcel and the Christ Temple Apostolic Church's parking area, located on the southern portion of the Property, as well as to provide a vehicle connection to serve the dumpster and LG&E's transformer box on the eastern portion of the property, behind the proposed residential building on the Property and to the north of the existing parking/VUA area of the neighboring Christ the King Church. See Renaissance on Broadway Development Plan for 4422 W. Broadway, 22-ZONE-0075, drafted by Lockett & Farley (DDDP). For the reasons stated herein, the requested waiver complies with the Plan 2040 Comprehensive Plan and the criteria for granting waivers and, therefore, should be approved.

With redesign of the site to accommodate the location of affordable housing on the Property, the existing direct access from the Property to W. Broadway will be eliminated and primary access to the Property will be shifted to S. 45<sup>th</sup> St., which is a safer curb cut to serve the property than its existing W. Broadway access. This adjustment also creates site design challenges for functional vehicular use areas on the Property, especially given the unique lot configurations of the Property and the neighboring Christ the King Church property and how the two properties relate to one another. In the center of the Property, where the northwest corner of the Christ the King Church Property forms the middle section of the eastern boundary line of the Property, there is a pinch point, where a vehicular connection exists between the north and south areas of the Property. Along this vehicular connection on the site, there is not adequate room for the insertion of an appropriate amount of greenspace that will be able to maintain health landscaping to screen the VUAs on either property, notably where the pavement on both properties will create too much heat on the surface for the applicant

to effectively maintain healthy landscaping. The applicant prefers to not insert landscaping in this location when said landscaping might need routine replanting from not being able to survive in this location on the Property, which will absorb funds the applicant needs to direct towards the housing use on the Property. Additionally, there is a joint use parking agreement between the two parking areas on the Property and the Christ the King Church property and adherence to LDC 10.2.10 would be problematic for maintaining the existing shared access point between the properties for cars to traverse in search of parking, especially during church services hours.

The requested waiver will not adversely affect adjacent property owners because some of the area where this stretch of omitted VUA LBA area is proposed is used today as a driveway connection between the Property and the Christ the King Church, where drivers can access Christ the King Church from W. Broadway, across the Property. Additionally, the site area where the applicant requests waiver is mostly used currently as a VUA, therefore a good portion of this small area is an existing condition and the only change to the existing VUA area will be needed updates to the pavement area. The site will be extensively landscaped throughout and the plantings required for the specific VUA LBA the applicant requests to waive will be planted in other places on the Property.

As more fully set forth in the justification statement submitted with the proposed change in zoning, the associated proposed site plan complies with the Plan 2040. The proposed use is consistent with the Traditional Neighborhood Form District in that it provides an essential attainable housing development, which will help fill a void in much needed housing in the neighborhood and add to its diverse mixture and types of housing. Furthermore, the proposed development is appropriately located in very near proximity to Shawnee Park (less than 500 feet via sidewalk) and Chickasaw Park, Metro public parks, and along a transit corridor in close proximity to downtown. In addition, sidewalks are available along the W. Broadway frontage, and bicycle parking will be provided in the development. As a result, the proposed development will be easily accessible by all modes of transportation and will aid in reducing commuting time and transportation-related air pollution. Outdoor lighting and signage will comply with the LDC requirements. Finally, the development of the property is planned to adhere to the traditional form design pattern by locating its primary building at the front property line to ensure that a significant portion of the streetscape will be occupied by structure. The Waiver will allow for what amounts to an existing condition today to remain and where parking and VUA areas in support of institutional uses function alongside one another. For all of the foregoing reasons, the overall site design of the Proposal, including the requested Waiver, will not violate the Plan 2040.

The requested waiver is the minimum necessary to afford relief to the applicant because, due to the odd shape of the parcel in this specific area of the Property and the fact that the parking areas is shared via agreement between the Property and the Christ the King Church property, and the fact that the applicant is requesting a waiver to maintain existing conditions and the planting requirements will be met onsite, where

possible, a redesign of the site to adhere to the LDC 10.2.10 requirement in this specific area of the Property would cause significant obstacles to a functioning VUA on the Property.

Special circumstances exist that do not apply to other properties in the Traditional Neighborhood Form District in that the property is an odd-shaped parcel and this specific area of the Property where the Waiver is being requested is necessary VUA for the Property and a connection point between the Property and the Christ the King Church Property and the insertion of the 5-foot VUA LBA along this eastern property line would interfere with necessary VUA as well as create an obligation to maintain an LBA that would be in continual risk from heat off the adjacent pavement areas, thereby making it very difficult to provide and maintain thriving landscaping with in the LBA. If the requested waiver is not granted, the applicant will be required to redesign the site to install a VUA that is narrower, less safe and less functional as currently proposed, not to mention foist a difficult cost burden upon a site that is locating affordable housing on the Property and where funds necessary to support other areas of the Proposal will be devoted to maintaining healthy landscaping in a difficult environment to support the same. Accordingly, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant and residents of the proposed apartment building.

For the foregoing reasons, the applicant respectfully requests approval of a waiver of Section 10.2.10 of the LDC to omit a small area of VUA LBA along the middle area of the eastern property line, as specified on the DDDP.