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March 7, 2023

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

**RE: Midwest Gun Co Waivers
Electron Drive (Parcel ID 003910530000)**

Mr. Luckett,

Enclosed please find an application and all supporting documentation for two waivers associated with the property at the southeast corner of Blankenbaker Parkway and Electron Drive. A general development plan was approved for this site in 1996 under case number 9-55-96 to change the zoning from R1 to PEC and a detailed development plan is currently under review under case number 22-DDP-0109. The current proposal is a detailed plan for a firearms retail store with an indoor gun range, restaurant, and second floor office space. Please refer to the letter of explanation from the detailed plan for more information on the proposed use.

The purpose of this letter is to provide justification for the two waivers being requested as follows:

A. LDC 5.6.1.C – To waive the requirement to have 50% of the wall surfaces at street-level consisting of clear windows and doors.

The LDC states that the reason for this requirement is to “enliven facades by providing visibility into building interiors from the street or other public space”. We feel that the windows that are proposed, in combination with the two outdoor spaces facing the adjacent streets meet the intent of this regulation. In addition, the proposed building is designed to exceed all requirements of Land Development Code 5.6.1.B for building façade treatments, including animating features such as canopies, changes in material, windows, and columns. Due to the specific security needs of a firearms store and shooting range, LDC 5.6.1.C for 50% clear windows and doors will not be met. There will be glass at the office entrance, restaurant, member lounge and retail space. There will also be several clerestory windows on the first floor of the north and west façades and additional windows on the second floor for both the north and west facades. After discussions with staff, we have also expanded the green space between the building and the sidewalk to provide additional space to accommodate trees. Because this indoor gun range makes a greater effort to meet the requirements of LDC 5.1.6 than any of the other existing gun ranges in the area, and

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because the trees and other animating features on the building far exceed all other requirements, we feel that this minor waiver is justified.

B. LDC 10.2.4.B.3 - To allow easements and landscape buffers to overlap by more than 50%.

There are existing easements along both Blankenbaker Parkway and Electron Drive that overlap with the required landscape buffers. Because the deed restrictions for this property require larger landscape buffers than the LDC, and because all plants will still be provided as required, we feel the intent of this regulation is being met.

With regard to the specific justification from the application, please note the following:

1. Will the waiver adversely affect adjacent property owners?

- A. No. All adjoining property owners are other commercial entities and because the intent of the regulation is being met, this waiver will not have an adverse effect on them.
- B. No. All adjoining property owners are other commercial entities and because the intent of the regulation is being met, this waiver will not have an adverse effect on them.

2. Will the waiver violate the Comprehensive Plan?

- A. No. This proposal exceeds the regulations regarding building façade treatments and therefore, meets the intent of the regulations, so it will not violate the Comprehensive Plan.
- B. No. All required planting will still be provided, therefore meeting the intent of the regulation, so this waiver will not violate the Comprehensive Plan.

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

- A. Yes. Windows in a gun store is a security issue, not only for the owners, but for the community at large. Windows are being provided where appropriate at street level and additional clerestory windows and changes in building materials will further animate the façade. The proposal exceeds all other façade design regulations; therefore, this is the minimum necessary to afford relief.
- B. Yes. This is already a small site with some large easements and increased landscape buffers along the roadway. If these easements and buffers are not allowed to overlap it would significantly impact the developable area of the property. All plantings will still be provided as required. Therefore, this is the minimum necessary to afford relief.

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?

- A. Both criteria (a) and (b) are applicable here. The applicant is far exceeding the requirements of LDC 5.6.1.B regarding façade design, thereby providing a net beneficial effect. In addition, the strict application of the regulation would require the

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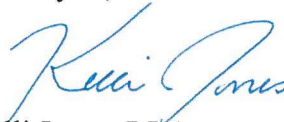
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applicant to install windows in inappropriate locations in a gun store, thereby endangering the community. I would call that an unnecessary hardship.

- B. The strict application of this regulation would significantly reduce the developable area of a small site which would be an unnecessary hardship.

Please let me know if you have any questions. I can be reached at 502-584-6271 x 237 or kelli.jones@swlinc.com.

Thank you,



Kelli Jones, RLA
Sabak, Wilson & Lingo, Inc.

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