

# **WAIVER JUSTIFICATION STATEMENT**

**Louisville Pickleball, LLC  
- Pickle+ Social Louisville -  
8100 Lyndon Park Lane**

## **LDC Section 5.9.2.A.b – To Not Provide Vehicular Connections to Adjacent Properties Located to the Property’s South or East**

The applicant, Louisville Pickleball, LLC, has filed a zoning application seeking C-2 zoning for property located at 8100 Lyndon Park Lane (the “Property”) to allow the applicant to develop the 3.88-acre Property into a mixed-use, “eatertainment” where pickleball facilities would operate alongside a restaurant, mini-distillery bourbon experience and a moderate amount of retail space to create a destination in the City of Lyndon where folks can meet with others and experience hospitality, food and drink, friendly pickleball competition, and spend time at an active, indoor/outdoor family atmosphere (the “Proposal”). With its zoning application, the applicant also submits for approval a detailed district development plan showing the site design of the Proposal on the Property (the “DDDP”). Alongside its request for approval of the DDDP, the applicant submits a waiver application seeking relief from Lyndon’s Land Development Code Chapter 5, Part 9 Section 2 – Connection Standards – to not provide the vehicular connection to the commercial property to the south or to the non-residentially used property to the east, although a pedestrian connection east to Robsion Park will be furnished. For the justifications stated herein, the requested waiver complies with the criteria for granting waivers and, therefore, should be approved.

The requested waiver relief to not provide vehicular connections from the Property to either the Robsion Park property to the east or to the commercial property located to the south will not adversely affect adjacent property owners because a vehicular connection to the Robsion Park property would go nowhere as there is no vehicular use area in this area of Robsion Park to which a connection can be made. Rather, only a pedestrian connection traversing Robsion Park near the Property’s eastern property line is available to connect and the applicant will be making a pedestrian connection here. As it relates to the commercial property to the south at 813 Lyndon Lane, the only available spot to make the vehicular connection would create a conflict for cars entering/exiting both the Property and the adjacent 813 Lyndon Lane property, because the drive aisle on the 813 property is at the very front of the property, essentially within the Lyndon Lane public right-of-way area. Cars that enter/exit the 813 Lyndon Lane property are looking straight ahead at either a parking space or exiting to Lyndon Lane. The prospect of a car coming from the side, across a proposed vehicular connection between the two properties, would only complicate the traffic maneuver for the car entering the 813 Lyndon Lane property because there is not enough room and,

correspondingly, not enough time, for said car to complete the traffic maneuver and avoid an oncoming car approaching from the side on the vehicular use cross-connection. A pedestrian connection between the two commercial properties will provide accessible, safe maneuvering for walkers, however. The property to the north is currently being considered for use as a parking area, which would provide for vehicular and pedestrian connections between the property to the north and the Property. Therefore, the lack of a vehicular connection between the two commercial properties, especially considering the established site design of 813 Lyndon Lane, is a safer condition than forcing a vehicular connection between the two properties within the public right-of-way of Lyndon Lane.

The requested waiver will not violate Plan 2040 A Comprehensive Plan for Louisville Metro because Plan 2040's Goal 1, Policy 3.1.3 advises that the Neighborhood Form may contain at appropriate locations, neighborhood centers with a mixture of uses such as offices, retail, shops, restaurants and service. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit. Goal 1, Policy 4 encourages new development and redevelopment be compatible with the scale and site design of nearby existing development and with the desired pattern of development within the [Neighborhood] Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The Proposal, including the waiver request, will provide for appropriate connections to be made where they can be safely established. Because there is no area for a vehicular connection to Robsion Park from the Property, only a pedestrian connection is being provided, which will encourage park goers and visitors to Pickle + Social to walk between Robsion Park and the Property. A pedestrian and vehicular connections are currently being considered between the Property and the property to the north, which the City of Lyndon is contemplating for use as a parking area. As to the commercial property to the south, only a pedestrian connection is feasible for safety reasons and, therefore, only a pedestrian connection will be provided. For the foregoing reasons, and for the justifications stated within the applicant's compliance statement submitted with its formal zoning application, the proposed site design wavier complies with Plan 2040.

The requested waiver is the minimum necessary to afford relief to the applicant because a vehicular connection to Robsion Park cannot be completed given the current design of Robsion Park. Thus, a pedestrian connection will be furnished to allow connectivity between properties for walkers and bicyclists. As for the commercial property to the south, the only spot where a vehicular connection can be established creates a safety issue because it invites car traffic to enter the 813 Lyndon Lane property at a spot where cars are entering the 813 Lyndon Lane property off of Lyndon Lane; the

area for the cross-connection between the two commercial properties is located within the public right-of-way. As a result, a safety issue wherein a conflict in vehicular use areas, parking areas and the vehicular use connection between the two properties would have cars unsafely entering and exiting the properties in relation to other cars looking to achieve the same vehicular movements. Consequently, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because it would force the applicant to insert unsafe vehicular turning movements as part of its DDDP site design, potentially creating vehicular conflicts for the Property and/or adjacent properties.

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