

Leesgate Holdings, LLC
WAIVER JUSTIFICATION STATEMENT
Case No. 17CUP1045
9200 Leesgate Road

Leesgate Holdings, LLC, (the "Applicant") requests a partial waiver of Section 10.2.4 of the Hurstbourne Land Development Code for the property at 9200 Leesgate Road in order to reduce the required Landscape Buffer Area ("LBA") along the western property line. Although the Applicant is seeking a waiver to reduce the required LBA, the proposed development actually represents an increase in the LBA along the western boundary of the subject property. The Applicant proposes to close the entrance to the existing 24' driveway on the western boundary and to reduce the width of the driveway to 18', adding space to the existing very small buffer area. An affiliate of the Applicant, Bennett and Bloom, provides medical and surgical eye care in the Louisville area. The proposed 8,000 square foot facility would provide exam and surgical space that meets current medical standards. The subject property is in the Town Center form district.

The Applicant further seeks a waiver to allow for two rows of parking to be located between the front façade of the proposed surgery center and Leesgate Road.

1. The waivers will not adversely affect adjacent property owners. The proposed landscape waiver would actually result in a larger LBA than currently exists. The waiver to allow parking will allow for a small amount of parking in front of the surgery center, allowing the proposed development to meet the minimum required parking under the Land Development Code.

2. The waivers will not violate the Comprehensive Plan. The Applicant will comply with the objectives of the Comprehensive Plan by placing a larger LBA on the western boundary of the development than what exists today. The parking location is being driven by the need to meet the minimum parking requirement and the need for the surgery center to be connected to the existing office building.

3. The extent of waivers of the regulation is the minimum necessary to afford relief to the Applicant. The LBA reduction is the minimum necessary to provide adequate space for the VUA, and the design waiver is the only way to accommodate the required amount of off-street parking on site.

4. Strict application of the regulations would create an unnecessary hardship on the Applicant. The Applicant is seeking to provide additional buffering and maintain some use of the driveway on western side of the site. The Applicant is also

providing the minimum amount of parking required, which must be located between the proposed surgery center and Leesgate Road.