

Waiver Justification

To justify approval of any waiver, the Planning Commission considers the four criteria. Please answer **all** the following items. Use additional sheets if needed. Responses of **yes, no, or N/A** will **not** be accepted.

1. Will the waiver adversely affect adjacent property owners?

This waiver will not affect adjacent property owners as the ILA is part of the property itself and has no immediate affect on anybody surrounding the property. The area of the property subject of the waiver request is wholly internal to the site and the required plantings per the ILA regulations in the Land Development Code will be planted elsewhere on the site, which will provide shade on the property and help cool the urban scape.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate any of the plan elements, goals, objectives or policies of the Louisville Metro 2040 plan because trees will still be planted on site to help screen and cool the site's interior. Moreover, asphalt will not be utilized as a material within the vehicular use and parking areas of the property and, instead, the concrete material that will be used, together with the shrub and tree plantings that will be installed on the property, will combine to reduce heat island effect on the property and surrounding street scape.

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

Yes it is because the means of daily operation on this facility involves concrete trucks continuously traveling to, from and throughout the site. Should the ILAs be installed on this site, trucks maneuvering the site's VUA will consistently drive over and damage the ILAs due larger trucks managing a small area to navigate. Rather than put trees and ILAs in harms way, the applicant desires to install tree and shrub plantings on other areas of the property, where they can thrive and contribute to the urban scape of the area.

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?

The applicant has shown planting beds along the property adjacent to the railroad to provide newly created green space for the property in addition to providing planter spaces along the frontage of West Kentucky Street. The applicant has also provided green space in the employee parking area and the divide between the parking area and concrete plant truck parking spaces for beautification, all of which will more than compensate for omission of ILA installation within the VUA and parking areas of the site.

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