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**WAIVER JUSTIFICATION STATEMENT**  
**Renaissance South Business Park, Tract 11**  
**Case No. 17DEVPLAN1049**

**RECEIVED**

**MAY 11 2017**

**DESIGN SERVICES**

*May 12, 2017*

Chapter 5.9.2.A.1.b.i of the Metro Land Development Code (LDC) STATES THE FOLLOWING:

*"A Clearly defined, safe pedestrian access shall be provided from adjacent public rights-of-way (public sidewalk) through off-street parking area to non-residential building entrances."*

For this particular project, the site is bounded by public rights-of-way on 3 sides – Minors Lane to the east, South Park Road to the south, and Air Commerce Drive to the west. The proposed use is a 677,160 square foot warehouse distribution building with small office/entry points at the building corners. Four (4) sidewalk connections are shown on the proposed development plan at each building corner. The sidewalks connect to public sidewalks along Minors Lane and Air Commerce Drive. They also serve employee and visitor parking areas, which are located at the east and west sides of the building. No connection is proposed to South Park Road, which is over 300' to the south of the proposed building. The south-facing side of the building is reserved for truck shipping, receiving, maneuvering, and trailer storage areas and are not intended for pedestrian use.

The applicant is therefore requesting a waiver of LDC Chapter 5.9.2.A.1.b.i to not provide a pedestrian connection to South Park Road.

With regard to the specific justification for these waivers, please note the following:

**1. *Will the waiver adversely affect adjacent property owners?***

No. This waiver is interior to the site and will have no bearing on adjacent property owners. Sidewalk connections are provided at appropriate locations at the building corners that serve employees and visitors. Perimeter sidewalks in the public right-of-way exist or will be provided along Minors Lane, South Park Road, and Air Commerce Drive, so perimeter access for adjoining properties is accommodated.

**2. *Will the waiver violate the Comprehensive Plan?***

No. Sidewalk connectivity to the public rights-of-way of Minors Lane and Air Commerce Drive is provided in 4 separate locations which serve corner office locations within the building. These connections will also serve vehicular parking areas for visitors and employees. Providing a sidewalk through heavy truck traffic, loading, and trailer storage

areas to South Park Road would present a pedestrian safety problem if connected to South Park Road. Therefore, granting this waiver would not violate the Comprehensive Plan.

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

Yes. As previously stated, 4 connections are proposed at corner office locations, which serve as the primary access for pedestrians to the building. Existing sidewalks, or new sidewalks, are provided along all perimeter public rights-of-way to Minors Lane, South Park Road, and Air Commerce Drive. The waiver request is solely to not provide the sidewalk connection to South Park Road and represents the minimum relief necessary for the applicant.

**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 land or would create an unnecessary hardship on the applicant?***

The applicant is providing 4 connections to the public sidewalk in Minors Lane and Air Commerce Drive that meets the requirements of the regulation. In addition, public sidewalks exist or will be provided along all perimeter public sidewalks on Minors Lane, Air Commerce Drive, and South Park Road. These design measures meet and exceed the requirements of the regulation and compensate for non-compliance for the portion of required walk to South Park Road. In addition, a pedestrian sidewalk through a truck loading, maneuvering, and trailer storage area would create an unsafe condition.

Finally, the applicant anticipates considerable grade/elevation change – approx.. 15 ft - between the building entry and the sidewalk on South Park Road, making ADA compliance difficult to achieve. As a result, the strict application of this regulation would represent an unnecessary hardship on the applicant.