LDC WAIVERS JUSTIFICATION STATEMENT
WSA REALTY PROPERTIES LLC
13110 Old Henry Road

1) Waiver of Land Development Code Section 10.2.10
2) Waiver of Land Development Code Section 10.2.4.B.8

June 12, 2026

The Applicant, WSA Realty Properties LLC, is requesting a change in zoning from R-4, Single-Family to PEC, Planned Employment Center for approximately 6.97 acres of land located across properties addressed 13112, 13118, 13200 R, and 13206 Old Henry Road, Louisville, Kentucky 40223 which, if approved, will be consolidated with approximately 9.89 acres of abutting land to the west that the Applicant, in 2023, successfully rezoned pursuant to Case No. 22-ZONE-0141 to PEC (taken together, the "Property"). The Applicant intends to use the Property as outdoor storage of construction equipment and the storage of trailers (the "**Proposal**"). No building improvements are being proposed at this time. In conjunction with its rezoning request, and in support of its site design as reflected on the Detailed District Development Plan drafted by Abel Construction ("**DDDP**") and filed with Louisville Metro Office of Planning, the Applicant is also requesting two (2) waivers from Chapter 10 landscaping requirements of the Land Development Code for Louisville Metro Zoning Authority ("**LDC**").

The first waiver is from Section 10.2.10 of the LDC to allow the Applicant to omit the required 15' vehicular use area landscape buffer area ("VUA LBA") from along the relocated 30' foot wide private access easement, as specifically depicted on the DDDP ("**Waiver 1**"). The private access easement benefits the neighboring 13108 Old Henry Road property to the south, where the Rogers Group Inc. operates its rock mining and quarry use, and where the heavy truck traffic exits from the Rogers Group property onto the Property and uses the private easement across the Property to access Old Henry Road (the "**Easement**"). Alongside Case No. 22-ZONE-0141, the Planning Commission initially granted waiver relief from LDC 10.2.10 to the Applicant, allowing the Easement as it exists in its current location on the Property to be without the required VUA LBA. But because the Applicant is now adjusting a portion of the Easement on the Property (both access points to/from the Easement will remain in their current respective locations on the Property), shifting a middle portion of the Easement south to an area along the Property's rear property line shared with the Rogers Group property, the need for additional waiver relief from LDC 10.2.10 is triggered because the minor adjustment to the Easement relocates a part of the Easement to an area of the Property where the previously approved waiver did not address the lack of VUA LBA. This shift in the Easement is meant to provide the heavier truck traffic exiting northward from the Rogers Group Inc. property, across the Property, to Old Henry Road, with better and safer vehicular maneuverability on the Property.

The second waiver being requested is from LDC 10.2.4.B.8 to allow for the relocated Easement benefiting the Rogers Group property, which is zoned M-2, Industrial, to occupy the required 15' landscape buffer area ("LBA") along the Property's southern boundary line shared with the Rogers Group ("**Waiver 2**"). The Rogers Group Property is zoned M-2, Industrial; both the Property and the Rogers Group property are within the Suburban Workplace Form. The relocated Easement is well-screened from the Old Henry Road Parkway by an existing mature tree line along the Property's Old Henry Road frontage. For the reasons specified herein, the waiver requests warrant approvals.

WAVIER 1 – LDC SECTION 10.2.10

The Easement has long been in use and will continue to serve the Rogers Group and the Property, providing a safe drive aisle from private property to the public roadway network. After a minor adjustment to the location of a portion of the Easement, bringing the Easement nearer to the benefiting property, the Easement will remain invisible from the Old Henry Parkway Corridor. The properties from which one can see the Easement area are properties the Easement serves and the Property. Therefore, Waiver 1 will not adversely affect adjoining property owners because the area of omitted VUA LBA is out of any viewshed from Old Henry Road or adjoining properties excluding the Property and the Rogers Group property.

The Waiver complies with Plan 2040 A Comprehensive Plan for Louisville Metro ("Plan 2040") because the area on the Property triggering the Waiver is screened from public view and nearby residential properties. In addition, the Waiver is to not install landscaping to screen the Easement, which has long provided access for industrial vehicles to Old Henry Road and its minor relocation nearer to the property it benefits will act more as an internal vehicular use area for the affected properties than any sort of public roadway needing screening. The Easement will continue providing safe access to industrial vehicular traffic and will remain out of sight from Old Henry Road.

Further, Community Form Goal 1, Policy 4 calls for the Proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated

signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Waiver 1 will not violate the Comprehensive Plan, as all required screening will be provided around the subject site adjacent to properties of lower intensity and along the Old Henry Road Parkway and in the area on the Property where Waiver 1 is being requested, there will not be need to be a transition between an outdoor storage of construction equipment use and a rock mining and quarry use because they are mostly compatible with one another.

The extent of the Waiver 1 is the minimum necessary to afford relief to the Applicant because it allows the Applicant to maintain the Easement on its Property to serve the Rogers Group, as it has for years, and without placing a costly burden on the Applicant to install and maintain expensive landscaping as an unnecessarily screen for industrial traffic from the industrial properties the Easement serves. Consequently, should waiver relief not be granted to the Applicant, the strict application of LDC Section 10.2.10 would deprive the Applicant from the continued reasonable use of the Property and be a hardship on the Applicant because the Applicant would then need to expend resources to plant and upkeep considerable landscaping along an access easement used by heavy vehicles, which can easily cause damage to planting and screening materials. Moreover, the VUA LBA would needlessly occupy area on the Property that could be better utilized toward supporting the overall industrial use of the Property, including the use of the Easement by the Rogers Group.

As more fully set forth in its updated justification statement in support of PEC zoning for the Property, the Applicant's DDDP is in agreement with Plan 2040 and, therefore, the Applicant respectfully requests approval of Waiver 1 to allow the Applicant relief from the required 15' VUA LBA along the relocated 30' private access easement, as specified on the Applicant's DDDP.

WAIVER 2 – LDC SECTION 10.2.4.B.8

Waiver 2 is required to allow for the Applicant to relocate the Easement benefiting the Rogers Group property to be within the required 15' landscape buffer area ("LBA") along the Property's (rear) southern boundary line shared with the Rogers Group. Waiver 2 will not adversely affect adjacent property owners because the only property affected by Waiver 2 is the Rogers Group property and the Easement functions more like an internal drive aisle on the Property, supporting Rogers Group traffic. To all other properties excluding the Rogers Group property, the buffer area would be internal to the site and only be visible from the Rogers Group property, which is an intensely used industrial property.

Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1,

Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Waiver 2 will not violate the Comprehensive Plan, because the uses on the neighboring Rogers Group property and the Property will not be incompatible and there is no need to screen the Rogers Group from the very vehicular access easement benefiting the Rogers Group Property. The Easement on the Property will be well screened from views of other neighboring property, especially those of lesser use intensity, and from the Old Henry Parkway.

The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant and the strict application of the provisions of the regulation would deprive the Applicant of reasonable use of its land, as buffering the Easement is unnecessary because it would only screen the Easement from the Rogers Group property it benefits. The Easement operates as access for the Rogers Group heavy vehicles to access Old Henry Road and the Applicant having to screen the benefitting property from the easement burdening its own property would create an unfair burden, notably because the waiver will not negatively impact other neighboring properties.

As more fully set forth in its updated justification statement in support of PEC zoning for the Property, the Applicant's DDDP is in agreement with Plan 2040 and, therefore, the Applicant respectfully requests approval of Waiver 2 to allow the Applicant relief from the required 15' LBA along the rear boundary line of the Property so that the relocated 30' private access easement, as specified on the Applicant's DDDP, can occupy the area where the LBA is .