

LANDSCAPE WAIVER JUSTIFICATION STATEMENT II

**LOUISVILLE OCCUPATIONAL AND GENERAL HEALTH SERVICES LLC
(OWNER & APPLICANT)
1056 BLUEGRASS AVENUE, LOUISVILLE, KY 40215 – PARCEL ID 054A00320000
(ALT. ADDRESS 4201 TAYLOR BOULEVARD, LOUISVILLE, KY 40215)**

24-CUP-0128 & 24-ZONE-0138

In conjunction with the proposed zoning and conditional use permit applications filed in relation to the property located at 1056 Bluegrass Avenue, Louisville, KY 40215 (the "Property"), the Applicant is requesting two landscape-related waivers from the Land Development Code Section ("LDC") Chapter 10. With this particular waiver request, the Applicant seeks waiver relief from LDC Sections 10.2.10 & 10.2.11 to not provide the required 5' vehicular use area landscape buffer area (VUA LBA) along the northern and southern boundaries of the Property so that the existing parking lot areas can remain as-is on the Property and not be removed to install planting material (the "Waiver"). The Waiver complies with the criteria for granting waivers as more fully explained herein and, therefore, should be approved.

The Waiver will not adversely affect adjacent property owners because the Property is in an already developed area and the Applicant's Proposal does not include any new construction so the Property's existing condition – which has been in place for decades – will remain. As it relates to the parking area encroaching into the VUA LBA along Bluegrass Avenue, there are existing plantings between the pavement of the parking lot and the pedestrian connection, which can stay in place to screen the parking lot from Bluegrass Avenue and to screen the residences opposite Bluegrass Avenue from the Property's parking lot. On the southern side of the Property, the existing parking areas encroach into the VUA LBA where across the alleyway an automotive repair use operates and where that auto-use property has similar encroachment into the VUA LBA – the property of which is also subject of a pending formal zoning application, but that application for the property to the south seeks C-2, Commercial Zoning. As the existing conditions have persisted on the Property without adversely affecting adjacent property owners, the Applicant's Proposal on the Property will maintain said existing condition and the medical services use on the Property will not create new adverse effects from this condition and, as such, the Waiver is reasonable.

The Waiver will not violate Plan 2040 A Comprehensive Plan for Louisville Metro ("Plan 2040") due to all the reasons stated in the justification statements that the Applicant submitted in support of its zoning and conditional use permit applications and because Plan 2040 recommends appropriate mitigating buffers and screening between uses that are in different intensity/density categories. On the northern property boundary, the existing planting material will remain to screen the parking area from Bluegrass Avenue. On the southern property boundary, the property across the alleyway is currently seeking C-2 zoning for lawful use of the Property as an automotive repair business, which is a use much more intense and within a zoning classification that permits land uses of higher intensities than what the Applicant seeks for its Property. The Applicant's lack of

screening material along its parking area abutting the alleyway south of the Property will not violate Plan 2040. Additionally, because the Applicant is reusing and repurposing an existing condition on the Property, which itself is also encouraged by Plan 2040, on balance, the Applicant's Proposal, when weighed as a whole, is in agreement with Plan 2040.

The extent of the Waiver of the LDC's LBA regulation is the minimum necessary to afford relief to the Applicant because the parking area on the former church property is an existing condition and the Applicant cannot afford to dig up the existing pavement and install plantings when many other higher priority items the Applicant must undertake to make the Proposal on the Property a successful endeavor that positively contributes to the neighborhood. The strict application of the provisions of the VUA LBA regulation to the Property would deprive the Applicant of the Property's reasonable reuse and create an unnecessary hardship on the Applicant because the condition has long existed on the Property and the Applicant would incur significant new construction costs to meet this LDC provision when said resources need to be spent other places on the Property to make the Proposal a reality.