

**DISTRICT DEVELOPMENT PLAN LETTER OF EXPLANATION &
JUSTIFICATION STATEMENT
FOR
211 N ENGLISH STATION ROAD**

The district development plan that proposes a new office/ warehouse building does not have any natural resources on site to preserve. The site is already asphalt on the majority of the site. This project will reduce the amount of paving and allow for landscaping to be installed. The proposed site is adjoined by industrial and commercial uses and backs up to a property owned by Texas Gas company that is zoned R4.

The development is utilizing an existing entrance and providing a secondary entrance to assure safe vehicular transportation for both on site and adjoining properties. Sidewalks are being proposed on site to allow for safe pedestrian movement on site and the existing sidewalks in the Right-of-way are not being disturbed.

The proposed development does not meet the threshold to require open space.

This project is proposing a decrease in impervious surface and directing storm water to the same drainage system. This will not result in increased runoff from the site and will not negatively impact the community.

The overall site design is compatible with the existing and projected future development of the area as the proposed office/warehouse is adjoined on both sides with existing office/warehouse buildings.

The proposal is in conformance with the comprehensive plan and land development code.

PEC LBA Waiver Attachment

1. Will the waiver adversely affect adjacent property owners?

The unique situation with this property is that it is zoned PEC. If the subject property were zoned any other commercial or industrial zoning this requirement would not exist. The requested waiver(s) are along the common property lines of the two adjacent industrial properties. There are currently proposed and existing loading and parking areas along both of these property lines. Granting this waiver will allow all of the properties to continue to operate as they currently do as well allowing the current proposal to operate seamlessly between the two existing properties. Granting the waiver(s) will not adversely affect adjacent properties.

2. Will the waiver violate the Comprehensive Plan?

Allowing the existing adjacent properties to continue to operate as they have with little change as well as creating improved connectivity between the properties is encouraged by the Comprehensive Plan and is not a violation.

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

As stated above this allows the adjacent properties to continue to operate as they have and improves maneuvering and parking for all three properties with this new proposal.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the regulations to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulations deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

As stated above this allows the adjacent properties to continue to operate as they have and improves maneuvering and parking for all three properties with this new proposal. Denial of this waiver will require the proposal to be greatly reduced in square footage and or impact the access and loading for the adjacent properties.

LBA Waiver Attachment

1. Will the waiver adversely affect adjacent property owners?

The unique situation with this property is that it is zoned PEC. If the subject property were zoned any other commercial or industrial zoning this requirement would not exist. The requested waiver(s) are along the common property lines of the two adjacent industrial properties. There are currently proposed and existing loading and parking areas along both of these property lines. Granting this waiver will allow all of the properties to continue to operate as they currently do as well allowing the current proposal to operate seamlessly between the two existing properties. Granting the waiver(s) will not adversely affect adjacent properties.

2. Will the waiver violate the Comprehensive Plan?

Allowing the existing adjacent properties to continue to operate as they have with little change as well as creating improved connectivity between the properties is encouraged by the Comprehensive Plan and is not a violation.

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

As stated above this allows the adjacent properties to continue to operate as they have and improves maneuvering and parking for all three properties with this new proposal.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the regulations to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulations deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

As stated above this allows the adjacent properties to continue to operate as they have and improves maneuvering and parking for all three properties with this new proposal. Denial of this waiver will require the proposal to be greatly reduced in square footage and or impact the access and loading for the adjacent properties.

Sidewalk Waiver Justification

1. Will the waiver adversely affect adjoining property owners?

Granting the waiver will not adversely affect adjoining property owners. There are sidewalks on the other side of Data Vault Drive from N English Station Road up to the intersection with rear access to the adjacent shopping center. Data Vault Drive is a partially constructed "Dead End" road. The adjacent property owner to the North is owned by Texas Gas and does not permit public access.

2. Will the waiver violate the comprehensive plan?

Granting the waiver will not violate the comprehensive plan. The subject property is located in the Suburban Workplace Form District. Data Vault Drive is not a "Complete" road, and will likely never be widened, extended or have any additional development along the rest of the length of this road. This is because the all of the property on the North side of Data Vault Drive is already developed except for this current proposal, and South side of Data Vault Drive is owned by Louisville Metro Government and has a storm water detention basin located on it.

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

Granting the waiver will allow the applicant the opportunity to develop the property without the added expense of navigating existing utilities and grade.

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 regulations deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Granting the waiver is justified for the reasons stated above and the opportunity for the applicant to work with the City of Middletown on another location for nearby sidewalks improvements.

RECEIVED

MAR 04 2022

PLANNING & DESIGN
SERVICES

22-WAIVER-0030