

District Development Plan Justification:

In order to justify approval of any district development plan, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. **Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

There is a stream adjacent to the property which will not be altered by the proposal

2. **Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Yes, the site is adjacent to Hurstbourne Parkway an arterial street and to Forest Bridge Road a local street. The development will provide sidewalks in the public right-of-way and internally with a connection to the public walks

3. **Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

This is a commercial development

4. **Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

The drainage design will meet or exceed the MSD requirements. MSD will review the proposed drainage system.

5. **Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

The general vicinity of the subject site is developed commercially.

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6. **Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

Waivers and Variances will be necessary

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

The adjacent R-4 property is a floodplain management area belonging the Louisville Metro and will never be developed. Because the adjacent R-4 property will never be developed and is wooded the required 8 ft screen will serve no purpose. The required trees will be provided. The encroachment of pavement into the LBA is very minor.

2. Will the waiver violate the Comprehensive Plan?

The Landscape Buffer Area is being provided where possible and the required trees will be provided.

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

It is the minimum necessary because the required trees will be provided. The 25 ft Landscape Buffer Area is primarily being provided free of parking area encroachments and the encroachment is minor.

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 subject site was platted for a commercial use in 1999 prior to the current Land Development Code regulations. The current regulations significantly reduce the developable area of the site.