

Case No. 18ZONE1057

Change in zoning from R-4 to PEC to allow an office building on approximately 5.2 acres at  
1701 N. English Station Road

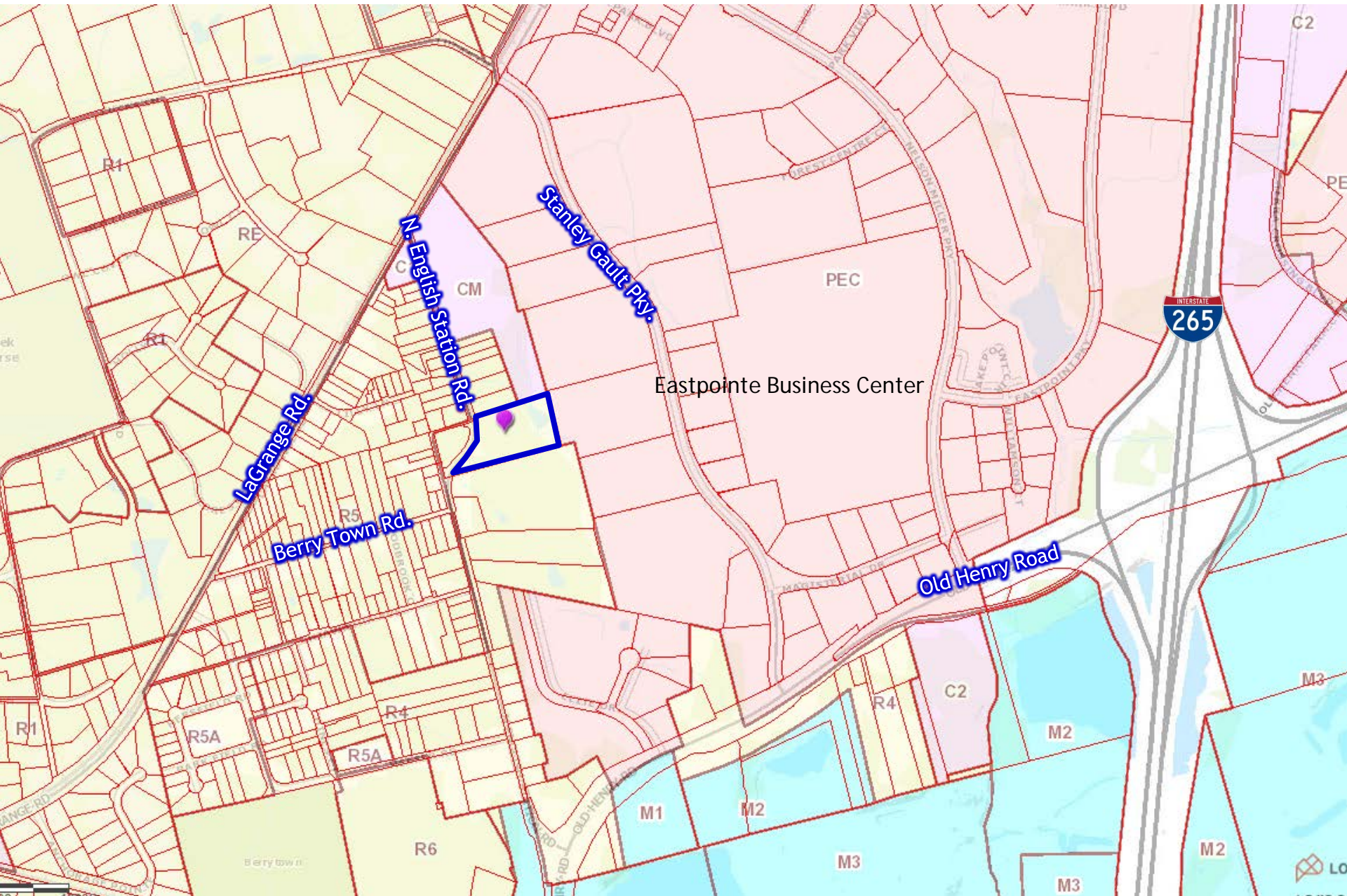


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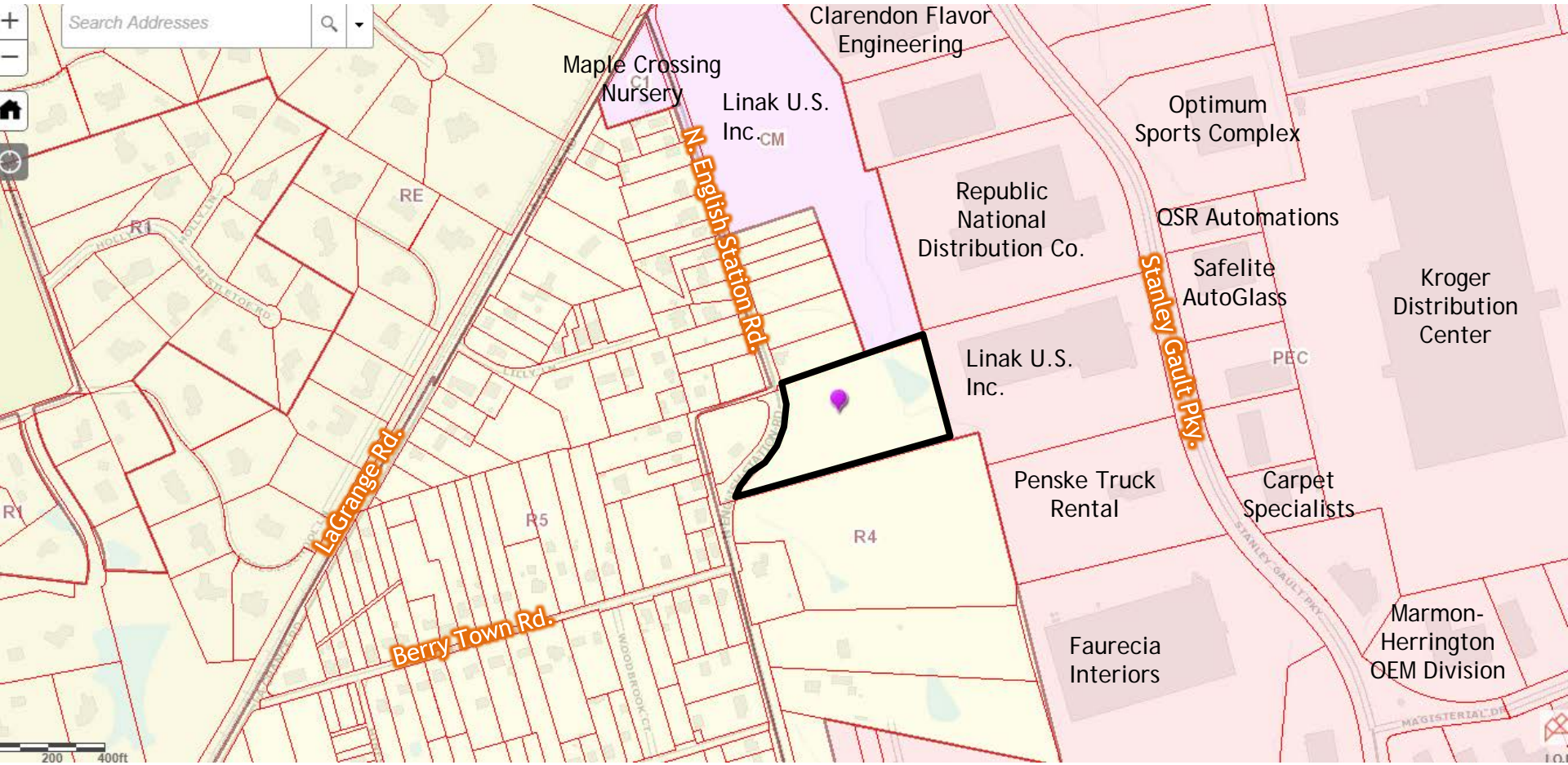
# **Tab 1**

## **LOJIC Zoning Map**



Eastpointe Business Center





**Tab 2**

**Aerial photograph of the site and surrounding area**



Clarendon Flavor Engineering

Linak U.S. Inc.

Optimum Sports Complex

Republic National Distribution Co.

Kroger Distribution Center

Linak U.S. Inc.

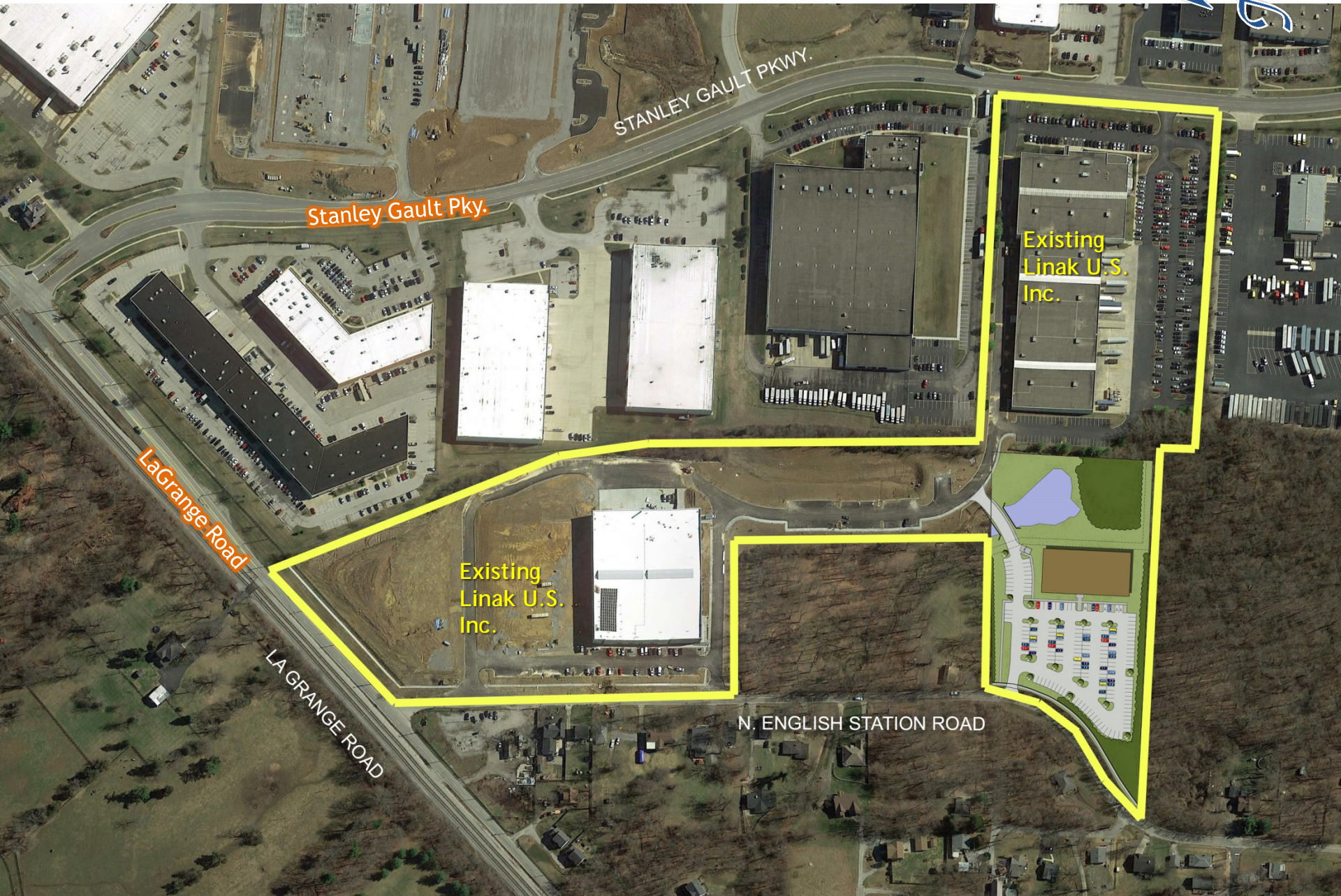
Penske Truck Rental

Carpet Specialists

Faurecia Interiors

Marmon-Herrington OEM Division

LOJIC



STANLEY GAULT PKWY.

Stanley Gault Pky.

Existing  
Linak U.S.  
Inc.

LaGrange Road

Existing  
Linak U.S.  
Inc.

LA GRANGE ROAD

N. ENGLISH STATION ROAD

**Tab 3**

**Ground level photographs of the site and surrounding area**





Looking northeast at southern most tip of site from N. English Station Rd.



Looking southwest at northern most point of site from N. English Station Rd.

**Tab 4**

**Neighborhood Meeting notice list  
map, letter to neighbors inviting  
them to the meeting and summary  
of meeting**

Adjoining property owner notice list map wherein 38 neighbors were invited to the neighborhood meeting and the subsequent LD&T and Planning Commission public hearing.



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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John C. Talbott  
Direct dial: 426-0388, ext. 133  
Email: [JOHN@BARDLAW.NET](mailto:JOHN@BARDLAW.NET)

July 18, 2018

Dear Neighbor,

**RE: Proposed change in zoning from R-4 to PEC to allow an office building on approximately 5.2 acres on the east side of N. English Station Road at 1701 N. English Station Road**

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change plan to allow a 40,000 sf office building to be located as above. The applicant, Linak US, Inc., owns the adjoining property to the east in the Eastpoint Business Park and is proposing a connection between the two properties, as well as a connection to the north, which is also owned by the applicant.

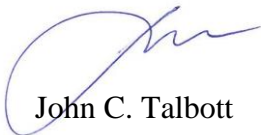
Accordingly, we have filed a plan for pre-application review on Monday, July 9<sup>th</sup> with the Division of Planning and Design Services (DPDS) that has been assigned case number **18ZONE1057** and case manager, **Joel Dock**. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Wednesday, August 1<sup>st</sup> at 7:00 p.m.** at the adjacent **Linak U.S. Inc.** building located at **2200 Stanley Gault Pkwy.**

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representative Kent Gootee at 485-1508.

We look forward to seeing you.

Sincerely,



John C. Talbott

cc: Hon. Julie Denton, Councilwoman, District 19  
Joel Dock, case manager with Division of Planning & Design Services  
Kent Gootee, land planners with Mindel, Scott & Associates, Inc.  
Greg Oakley, applicant with Hollenbach-Oakley, LLC  
Jan Petersen, applicant with LINAK U.S. Inc.

## Neighborhood Meeting Summary

A neighborhood meeting was held on Wednesday, August 1st at 7:00 p.m. at the adjacent Linak U.S. Inc. building located at 2200 Stanley Gault Pkwy. Those in attendance included the applicant's representatives, John Talbott, attorney with Bardenwerper, Talbott & Roberts, and Kent Gootee, land planner and engineer with Mindel Scott & Associates, as well as the applicant representative from Linak and Greg Oakley, the developer.

The meeting began with John Talbott showing a PowerPoint presentation of the area and nearby development. He did this so that everyone present was fully familiar with exactly the properties being considered and impacted. He described also the proposed initial detailed district development plan for this site, its perimeter buffers and setbacks, the location of the building and parking, the location of the points of access, and the sidewalks incorporated into the plan.

The major issue raised by neighbors who had concerns was traffic and access. (Some of the neighbors did not have concerns but were generally in favor of the site.) However, the neighbors raising concerns did not want additional traffic on N. English Station Road. It was explained that the site would improve site lines along N. English Station Rd., thus improve safety. It was also explained that the traffic entering and existing the site would serve to slow traffic along this stretch of the collector roadway rather than increase speeds along the road since it would serve as the access point. Some neighbors questioned whether Linak's trucks would use the access point and it was explained that they would not. The traffic generated from this site should only be coming from the office for all practical purposes. It was further explained that the internal site contained large speed bumps to discourage traffic attempting to use the site connectivity as a cut-through. The concerned neighbors asked that we eliminate the access on N. English Station Road and also asked to eliminate sidewalks. The applicant agreed to investigate the removal of the access, but we further explained that three different agencies requested sidewalks so it was not anticipated this could be waived.

Kent Gootee from Mindel Scott & Associates also described and discussed the MSD and water issues related to the site. He explained that the site had a 60' water pipe to service its water needs and also sewage infrastructure separate from what is currently serving the residential areas, so there should not be any loss of water pressure or other issues related to the development. Mr. Gootee also explained how storm water is handled through on-site detention, assuring that post-development peak rates of runoff to will not exceed pre-development conditions.

They also explained how the site was surrounded with significant buffers because the site is large enough to be able to accommodate those setbacks. The building will be buffered with landscaping and it was also explained that the building sits lower than the road, which will further reduce the site of the building from the residential neighbors. The area will be landscaped and screened to improve aesthetics and mitigate potential adverse impacts on neighbors.

Mr. Talbott also explained how the DPDS "Case Management Review Process" works, how agencies such as those mentioned above, will review the submitted DDDP and how those agencies' preliminary stamps of approval are required prior to this application being docketed for public meetings and hearings. He said that those attending this meeting, and who have received notice thus far, will receive official notice of those meetings so that they can appear to comment on the application finally filed.

Mr. Talbott also provided those present with information relative to contacts at DPDS and Metro Transportation Planning.

# **Tab 5**

## **Development Plan**





# **Tab 6**


## **Building Elevation**



Existing LINAK building on Stanley Gault Pky.

## **Tab 7**

**Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and Variance Justification**



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## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN**

Applicant: Hollenbach-Oakley, LLC

Owner: Linak US, Inc.

Location: 1701 N. English Station Road

Proposed Use: Office

Request: Zone change from R4 to PEC, and change the Form District from Neighborhood to Suburban Workplace

Engineers, Land Planners and  
Landscape Architects: Mindel Scott & Associates, Inc.

### **INTRODUCTION**

This overall site is an addition to the existing Linak office/warehouse to the east in the Eastpoint Business Park. The additional lot will be incorporated in to the overall Linak “campus”. Although the parking for the site is to be generally exclusively used for the proposed office building use, the campus will be connected internally with drive lanes and pedestrian connections. All of the adjoining and similarly situated properties being used in the office park are the Suburban Workplace Form District.

### **GUIDELINE 1 – COMMUNITY FORM**

This site and the accompanying site plan are more appropriately considered a part of the Suburban Workplace Form District. The site will be connected and be a part of the office park, and specifically will be an addition to the applicant’s other two properties which are also a part of this office part and which are both already in the Suburban Workplace Form District. In fact, all of the surrounding properties in the office park are part of the Suburban Workplace Form District. The applicant’s sites will be connected internally with drive lanes and pedestrian connections allowing a free flow throughout its sites. The site will share existing infrastructure with the adjacent office park as well as being located on a collector level road in a compact group with the existing Suburban Workplace Form District. The new building and site will also share building characteristics, parking, and compatibility with the existing Suburban Workplace Form District.

### **GUIDELINE 2 - CENTERS**

This application complies with the Intents and applicable Policies 1, 2, 4, 5, 7, 9, 11, 13, 14 and 15 of the Guideline as follows.

The overall site subject of this rezoning looks and feels very much like the balance of the existing PEC zoned properties to the east and north which are located within the Eastpoint Business Park. Infrastructure and utilities are available at property lines. This has proven to be a good location for offices because of the significant intensity of residential uses and commercial uses west of the site. Locating this office building as proposed at this site helps reduce vehicle miles traveled and further improves the vitality. The design of the site is compatible with the uses in the business park and the residential uses to the west.

### **GUIDELINE 3: COMPATIBILITY**

This application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24 and 29 of this Guideline as follows.

As referenced above, the proposed office building will be compatible in design to the current offices in the business park. Appropriate buffers will be in place to mitigate impacts to the surrounding residential properties, which are for the most part not occupied currently for residential purposes. The site not generate significant traffic and regardless the clearing of the site of the significant foliage limiting site lines around the curves will significantly increase the safety to the collector roadway. In addition to these aesthetic factors, office building does not create odors or noise. Lighting will be directed down and away from nearby residential properties and will be in compliance with lighting restrictions of the Land Development Code (LDC).

### **GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY**

This application complies with the Intents and applicable Policies 2, 3, 4, 6, and 8 of this Guideline as follows.

As referenced above, this is a vacant site. N. English Station Road has proven to be a great location for an office building because it is a center of fairly intense residential and commercial activity. This site will also take advantage of the existing infrastructure and utilities and encourages the applicant expand its footprint with the campus of its industrial facilities with access to collector roadway and the other internally connected drives and pedestrian access, all located near arterials and the expressway system.

### **GUIDELINES 7, 8 AND 9: CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT**

This application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 16 and 18 of Guideline 7; Policies 7, 8, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

The office development will have shared access from the existing Linak office/warehouse building to the east and north of this site and will provide a curb cut along N. English Station Road. It provides for excellent cross-connectivity and helps address issues of traffic congestion at peak hours.

Furthermore, the detailed district development plan (DDDP) accompanying this zoning and form change application must receive the preliminary stamps of approval from Metro Transportation Planning and Public Works, prior to docketing of this application for any Planning Commission public review. Those agency reviews will look at the proposed points of access and connections as well as corner clearances, site distances, median opening and adequacy of parking. The site plan will provide “stubs” to the parking lot and sidewalks for future connectivity and will further be designed for transit available in the area. Sidewalks will be provided where required and bicycle parking will be accommodated. Moreover, the clearing of the site will tremendously enhance the safety of the collector roadway by increasing visibility around the turns existing on the roadway.

#### **GUIDELINE 10: FLOODING, STORMWATER**

This application complies with Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows.

Post-development rates of runoff will not exceed pre-development conditions. Additionally, the applicant’s engineer will review these drainage conditions and advise MSD of them so as to determine whether any additional mitigation measures need to be made to existing storm water systems in association with this proposed office development.

#### **GUIDELINE 11: WATER QUALITY**

This application complies with the Intents and applicable Policies 1, 3 and 5 of this Guideline as follows.

At time of construction, the developer of this site will be required to comply with MSD’s soil erosion and sedimentation control regulations. Also, new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval.

#### **GUIDELINE 12: AIR QUALITY**

This application complies with the Intents and applicable Policies 1, 2, 3, 6, 7, 8 and 9 of this Guideline as follows.

As referenced above, this proposed corporation office is basically an expansion of the existing Linak office/warehouse located north and east of this proposed site, thus reducing vehicle miles traveled for people already engaged in commerce and residing in this area, leading to reduced miles traveled and improved air quality.

#### **GUIDELINE 13: LANDSCAPE CHARACTER**

This application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

The LDC requires tree canopies as well as both perimeter and interior landscaping of all sites. This application will comply with LDC standards, and will provide screening and buffering as promised nearby residents with the TPA areas and 25,500 square feet for a TCCP area.

\* \* \*

For all of the above-stated reasons, plus those that will be further explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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John C. Talbott  
Bardenwerper Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville Building  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223

e:\client folder\linak\n. english station rd\application\compliance statement.doc



### **Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment 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.

Variance of Section 5.7.1.B.2 to not be required to meet the adjacent properties 30 ft front setback requirement

1. The variance will not adversely affect the public health, safety or welfare because the part of the property to the North along N. English Station Road is in the same Form District. Additionally, properties to the North and South in the different Form District, are mostly undeveloped and likely in the future to be absorbed by the PEC Form District in the future. Infrastructure has been installed by MSD and the LWC which would anticipate future expansion of the business part between N. English Station Road and Stanley Gault Parkway. Finally, because of the street sightlines in this area, removing landscaping impeding views will improve safety.

2. The variance will not alter the essential character of the general vicinity because his regulation is merely aesthetic to provide uniformity between different Form Districts, but since there is not any uniform setback in the adjacent Form District along N. English Station Road, this regulation does not serve any real purpose and will not adversely affect any adjacent or nearby property owner. In fact, the property to the immediate North violates the very same setback requirement.

3. The variance will not cause a hazard or a nuisance to the public because the regulation is merely aesthetic. Rather, the variance, but opening sight lines on this part of N. English Station Road will improve safety and reduce hazards. Further, the slope of the land will place most of the parking which is set into the setback below the grade of the road, where it will not be easily visible from the road.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the intent of the regulation does not serve any purpose due to the varying setbacks which already exists in the adjacent Form District and because the variance will improve safety along this stretch of N. English Station Road.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because the road curves, creating limited sight-lines, is a pre-existing condition which cannot be changed by the applicant

2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the location along this part of the street frontage is an existing condition which the applicant cannot change and it would unnecessarily limit the parking available to the site.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this is an adaptive use of a property in a transition area.

## **Tab 8**

**Proposed findings of fact pertaining to compliance with the Comprehensive Plan and Variance, criteria**

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## **PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN**

Applicant: Hollenbach-Oakley, LLC

Owner: Linak US, Inc.

Location: 1701 N. English Station Road

Proposed Use: Office

Request: Zone change from R4 to PEC, and change the Form District from Neighborhood to Suburban Workplace

Engineers, Land Planners and Landscape Architects: Mindel Scott & Associates, Inc.

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on November 1, 2018 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTION**

**WHEREAS**, this overall site is an addition to the applicant's existing Linak office/warehouse to the east in the Eastpoint Business Park; the additional lot will be incorporated into the overall Linak "campus"; although the parking for the site is to be generally exclusively used for the proposed office development use, the campus will be connected internally with drive lanes and pedestrian connections; and all of the adjoining and similarly situated properties being used in the office park are the Suburban Workplace Form District; and

### **GUIDELINE 1 – COMMUNITY FORM**

**WHEREAS**, this site and the accompanying site plan are more appropriately considered a part of the Suburban Workplace Form District; the site will be connected and be a part of the office park, and specifically will be an addition to the applicant's other two properties which are also a part of this office part and which are both already in the Suburban Workplace Form District; in fact, all of the surrounding properties in the office park are part of the Suburban Workplace Form District; the applicant's sites will be connected internally with drive lanes and pedestrian connections allowing a free flow throughout its sites; the site will share existing infrastructure with the adjacent office park as well as being located on a collector level road in a compact group with the existing Suburban Workplace Form District; and the new building and site will

also share building characteristics, parking, and compatibility with the existing Suburban Workplace Form District; and

### **GUIDELINE 2 - CENTERS**

**WHEREAS**, this application complies with the Intents and applicable Policies 1, 2, 4, 5, 7, 9, 11, 13, 14 and 15 of the Guideline because the overall site subject of this rezoning looks and feels very much like the balance of the existing PEC zoned properties to the east and north which are located within the Eastpoint Business Park; infrastructure and utilities are available at the property lines; this area has proven to be a good location for offices because of the significant intensity of residential uses and commercial uses west of the site; locating this office development as proposed at this site helps reduce vehicle miles traveled and further improves the vitality of the area; and the design of the site is compatible with the uses in the business park and the residential uses to the west; and

### **GUIDELINE 3: COMPATIBILITY**

**WHEREAS**, this application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24 and 29 of this Guideline because as referenced above, the proposed office development will be compatible in design to the current offices in the business park while at the same time using the office development use as an appropriate transition between the residential and more intense commercial uses; appropriate buffers will be in place to mitigate impacts to the surrounding residential properties on the same side of N. English Station Road, which are for the most part not occupied currently for residential purposes; the site will not generate significant traffic and the clearing of the site of the significant foliage which is currently limiting site lines at turns in N. English Station Road will significantly increase the safety to this collector roadway; in addition to these aesthetic factors, office uses do not create odors or significant noise; and lighting will be directed down and away from nearby residential properties and will be in compliance with lighting restrictions of the Land Development Code (LDC); and

### **GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY**

**WHEREAS**, this application complies with the Intents and applicable Policies 2, 3, 4, 6, and 8 of this Guideline because as referenced above, this is currently a vacant site; N. English Station Road has proven to be a great location for office development because it is a center of fairly intense residential and intense commercial activity; and this site will also take advantage of the existing infrastructure and utilities available to the Eastpoint Business Park; and the development plan encourages the applicant to expand its footprint with the campus of its industrial facilities, with access to a collector roadway and the other internally connected drives and pedestrian access, all located near arterials and the expressway system; and

### **GUIDELINES 7, 8 AND 9: CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT**

**WHEREAS**, this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 16 and 18 of Guideline 7; Policies 7, 8, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 because the office development will have shared access from the existing applicant's office/warehouse building to the east and north of this site in the Eastpoint

Business Park and will provide a curb-cut along N. English Station Road at a location where automobiles slowing to enter the site will slow traffic at a location where lower speeds are appropriate for safety; and it provides for excellent cross-connectivity and helps address issues of traffic congestion at peak hours; and

**WHEREAS**, furthermore, the detailed district development plan (DDDP) accompanying this zoning and form change application received preliminary stamps of approval from Metro Transportation Planning and Public Works prior to docketing of this application for any Planning Commission public review, with such agencies specifically reviewing the proposed points of access and connections as well as corner clearances, site distances, median opening and adequacy of parking; the site plan will provide “subs” to the parking lot and sidewalks for future connectivity and will further be designed for transit available in the area; sidewalks will be provided where required and bicycle parking will be accommodated; and the clearing of the site will tremendously enhance the safety of the collector roadway by increasing visibility around the turns existing on the roadway; and

#### **GUIDELINE 10: FLOODING, STORMWATER**

**WHEREAS**, this application complies with Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 because post-development rates of runoff will not exceed pre-development conditions; additionally, the applicant’s engineer will review these drainage conditions and advise MSD of them so as to determine whether any additional mitigation measures need to be made to existing storm water systems in association with this proposed office development; and

#### **GUIDELINE 11: WATER QUALITY**

**WHEREAS**, this application complies with the Intents and applicable Policies 1, 3 and 5 of this Guideline because at time of construction, the developer of this site will be required to comply with MSD’s soil erosion and sedimentation control regulations; also, new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval; and

#### **GUIDELINE 12: AIR QUALITY**

**WHEREAS**, this application complies with the Intents and applicable Policies 1, 2, 3, 6, 7, 8 and 9 of this Guideline because as referenced above, this proposed corporation office is basically an expansion of the existing Linak office/warehouse located north and east of this proposed site, thus reducing vehicle miles traveled for people already engaged in commerce and residing in this area, leading to reduced miles traveled and improved air quality; and

#### **GUIDELINE 13: LANDSCAPE CHARACTER**

**WHEREAS**, this application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline because the LDC requires tree canopies as well as both perimeter and interior landscaping of all sites; and this application will comply with LDC standards, and will provide screening and buffering as promised nearby residents with the TPA areas and 19,956 square feet for a TCCP area;

\* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, and on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R4 to PEC, and change the Form District from Neighborhood to Suburban Workplace.

### **Variance Findings of Fact**

Variance of Section 5.7.1.B.2 (to not be required to meet the adjacent properties 30 ft front setback requirement).

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because part of the property to the north along N. English Station Road is commercial zoned and in the same Suburban Workplace Form District; additionally, properties to the north and south in the different Form District, are mostly undeveloped and likely in the future to be absorbed by the Eastpoint Business Park in the future; infrastructure has been installed by MSD and the LWC which would anticipate future expansion of the Eastpoint Business Park between N. English Station Road and Stanley Gault Parkway; and because of the street sightlines in this area, removing landscaping impeding views will improve safety; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because this regulation is merely aesthetic to provide uniformity between different Form Districts, but since there is not any uniform setback along N. English Station Road, this regulation does not serve any real purpose and will not adversely affect any adjacent or nearby property owner; and the property to the immediate north violates the very same setback requirement; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because the regulation is merely aesthetic; rather, the variance will open sight lines on this section of N. English Station Road improving road safety and reducing hazards; further, the slope of the land will place most of the parking encroachment into the 30 foot setback below the grade of the road, where the encroachment will not be easily visible from the roadway; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the intent of the regulation does not serve any purpose due to the varying setbacks which already exists in the adjacent Form District and along N. English Station Road, and because the variance will improve safety along this stretch of N. English Station Road; and

**WHEREAS**, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because the road curves and limited sight-lines is a pre-existing condition which cannot be changed by the applicant; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the location along this section of the N. English Station Road frontage is an existing condition which the applicant cannot change and it would unnecessarily limit the parking available to the site; and

**WHEREAS**, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this is an adaptive use of a property in a transition area;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this variance.