

**Sidewalk Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following 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. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?**

The development will still provide sidewalks throughout the development, but only on one side of proposed road. 3,865 feet (0.73 mile) of sidewalks are provided around the proposed road and on Dixie Highway frontage in addition to sidewalks tying from network to building entrance. Total proposed roadway loop is about 0.6 mile, so sidewalks are adjacent to the main road loop. Additionally, crosswalks are provided to any user of the warehouse development could safely travel on foot even though sidewalks are only provided on one side of the road.

**2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?**

Substantial sidewalks are being provided to serve the 162-acre development. The intent of the regulation is still being met, but to a lesser degree by only providing sidewalks on one side of the road, similar to what has been approved and constructed in other phases of Riverport. Pedestrian traffic historically has not been high in these areas, so sidewalks on one side of the road should be sufficient.

**3. What impacts will granting of the waiver have on adjacent property owners?**

There will be no impacts to adjacent property owners since pedestrian connections will still be made to/near adjacent properties where available.

**4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?**

The duplication of sidewalks on opposite sides of the street are simply not needed for the large development. Funds for unnecessary sidewalk could be better spent on other needed items.

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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 waiver will not affect adjacent property owners as LBA space and landscaping will still be provided, just not 100% dedicated to ONLY LBA as existing ponding, drainage, and LG&E easement overlaps are present.

**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate the Comprehensive Plan as LBA space and landscaping will still be provided, just not 100% dedicated to ONLY LBA. The intent of the regulation is still being met.

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

The easements are existing and some may even be released, but the landscaping and open space will still be provided on the property.

**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?**

All required landscaping will be provided somewhere within the property perimeter LBA. Additionally, the area of largest easement overlap is adjacent to an industrial warehouse site.

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