

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 area that would be connected by sidewalks was bought by the Regional Airport Authority for airport use and previous residential use has been terminated and relocated. Sidewalks are provided along Park Boulevard and Crittenden Drive.

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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?

The area where the sidewalk is required is directly adjacent to the Watterson Expressway, which is elevated 20-25 feet. Other adjacent property is industrial use with sidewalks along Park Blvd. and Crittenden Drive. Topography along E. Edair Street limits the feasibility of building a sidewalk without a retaining wall.

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

Granting this waiver would have no impact on adjacent property owners.

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?

Strict application of this regulation will require a sidewalk to end with no connection to vacant (formerly residential) land where there are no pedestrians. The sidewalk would require extensive grading and a retaining wall that would preclude any future street tree plantings.

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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?

Granting this waiver would have no impact on adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

The three buildings required to have pedestrian access are within a fenced-in secure area where no public access is allowed. The only pedestrian access allowed is from Crittenden Drive to Building 1 and this access has a safe route from the public right-of-way through the parking areas to Building 1's entrances.

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

The extent of this waiver is the minimum necessary to afford relief to the applicant.

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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 strict application of the regulation would deprive the applicant from maintaining a secure area where public access is restricted. Pedestrian access is incorporated into the site design where public access is allowed.

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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 are existing trees and shrubs along the entire north frontage on Park Boulevard and along portions of Crittenden Drive and E. Adair Street, along with two interior islands that will be preserved. There are no other natural resources on site.

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

Safe and adequate vehicular and pedestrian transportation is provided within the development and its surroundings.

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

The entire property is paved or has buildings, except for the landscape areas mentioned in Item 1 above. Additional landscape areas will be provided to meet the needs of the proposed 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?**

Adequate drainage facilities are provided on the subject site.

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 overall site design and land uses are compatible with the existing and projected development of the area, which is directly adjacent to the Watterson Expressway.

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

The proposal conforms to the Comprehensive Plan and there are built conditions that require waivers to reduce landscape buffers where utilities and pavement exist.

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