

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 intent of the Comprehensive Plan and Land Development Code is to provide a walk network and there is no walk network for the proposed development to tie into. The lack of walk on the subject site will not impact the current situation. The property is located in the Bluegrass Commerce Centre industrial park and also fronts on Technology Drive. There is an existing walk network in the Bluegrass Commerce Centre and the proposed development is providing a walk from the building to it.

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?

On the subject site's side of Blankenbaker Road there is no walk in the right-of-way for the 0.80 mile length of frontage from Plantside Drive to Blankenbaker Parkway. Granting the waiver will result in a development that is in keeping with the established pattern of general area.

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

There are no walks on the adjacent Blankenbaker Road properties and for this reason granting the waiver should not have an impact on them.

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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?

It would create an unnecessary economic hardship on the applicant to construct walks that do not tie into a greater walk network.

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 has been abandoned. The subject site is zoned PEC and the applicant is proposing to provide the PEC reg'd 15 ft LBA and required trees.

The retaining wall is at the outer edge of the 15 ft LBA and there will be sufficient room to install the 5 required trees.

2. Will the waiver violate the Comprehensive Plan?

Sufficient buffering will be provided and the required landscaping will be planted.

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

Yes it is the minimum. Landscape Buffer Areas will be provided and the required landscaping will be installed.

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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 applicant is proposing to provide the 15 ft. LBA and required trees in lieu of the 50 ft LBA and berm because this is what will be required should the adjacent abandoned R-4 property be rezoned to PEC to be in keeping with its PEC zoned neighbors on all sides. The area of the 50 ft LBA is equal to 1.05 acres and it would be a hardship for the applicant to give up 1.05 acres of developable land to provide a buffer that most likely will not be required in the future. The retaining wall will not obstruct the provision of the 15 ft LBA or the planting of the required trees.

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 on the property. Due to the nature of the office/warehouse use which requires large buildings and truck maneuvering areas in addition to parking areas it is necessary to utilize the property its maximum potential. Trees will be preserved if it is at all possible and this will be determined during the construction plan design phase.

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

There is an existing sidewalk network in the Blankenbaker Commerce Centre. The applicant is proposing to provide a sidewalk in the Blankenbaker Road right of way and an internal sidewalk connection to Technology Drive and Blankenbaker Road.

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

Open Space is not a requirement. The required PEC 15 ft Landscape Buffer Areas are being provided.

- 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?**

There is an existing detention basin which has been designed to accept the storm water from 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 surrounding uses are likewise developed as office warehouse or commercial uses. The adjacent lone R-4 parcel is vacant, for sell and anticipated to be rezoned and developed in a manner consistent with the surrounding industria uses.

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

The proposal does require a waiver to reduce a Landscape Buffer Area.

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