

Waiver Application Justification

12413 & 12415 Old LaGrange Road

The applicant is requesting a waiver from Section(s) 10.2.4.B and 10.2.10 to allow for the development of properties known as 12413 & 12415 Old LaGrange Road, 2635 Chamberlain Lane, and 2400 Chamberlain Crossing Drive in conjunction with a change in zoning for the construction of an office/warehouse building. This development would be Phase 4 of the Chamberlain Crossing Business Park. The applicant is requesting a waiver from 10.2.10 to allow proposed parking areas to encroach into the required behavior use area and landscape buffer area and to relocate required landscaping; and a waiver from 10.2.4.B to allow the proposed building and parking area to encroach into the 15 foot landscape buffer area. **The Applicant owns two of the adjacent properties which are already included in the existing Chamberlain Crossing business part of which these properties will be part of.**

The Applicant will enhance the adjacent property to the north east, owned by CSX railroad, with either a six foot tall privacy fence and/or additional landscaping. Both properties are located in the Suburban Workplace Form District. The Suburban Workplace Form District is "characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting". **The applicant will plant other areas, which will be shown on the required landscape plan, with any and all plant material that would have been planted in the areas affected by the waivers.**

The property is located in an area that is primarily industrial in nature and zoned PEC, Commercial and CM within the Suburban Workplace Form District. CSX owns property to the north, east, west and to the south including a large area of mature trees; and the Applicant owns the adjacent Chamberlain Crossings Business Park to the northwest which is zoned PEC.

This proposal complies with the Comprehensive Plan in that the Goals and Objectives; Goal A1, Objectives 1.4 & 1.5 and Goal D1 Objectives D 1.1, 1.2, 1.3, and 1.4 which support economic development and job creation. This proposal is within the Suburban Workplace Form District indicating that developments of this type were expected and needed. Goal G3 and Objectives G 3.1 regarding Land Use in the SW district also supports this application.

All waivers requested are the minimum necessary to allow the proposed buildings and structures and to remain in compliance with other sections of the Land Development Code. Where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements.

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The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship in that the identified tenant will not be able to construct a building of the size to suit their needs.

Granting the requested waivers would not adversely affect the adjoining properties or the citizens of the area simply because the proposed land use was anticipated when the Form District and zoning were established for this area. A neighborhood meeting was held.

The waiver will not adversely affect the adjacent property owner; the adjoining property is located within the Suburban Workplace Form District and there is an existing heavily wooded fence line with mature evergreen and deciduous trees. The applicant is proposing to mimic the landscaping by proposing a solid wood fence with a mixture of tree plantings to buffer the adjacent property if needed. These Properties requesting the waivers are proposed to be a continuation of the Chamberlain Crossings Business Park.

The waiver will not violate the Comprehensive Plan; this proposal is for a use in agreement with those allowed in the Planned Employment Center Zone District, which characterizes this form district. The site is surrounded by non-residential development on 3 sides. In addition this proposal complies with Guidelines 2, 3, and 6 of the Comprehensive Plan in that the applicant is proposing a non-residential use in an area where there are similar non-residential uses including the Kentucky Ford Truck plant, and the adjacent Chamberlain Crossings Business Park which this would be incorporated into.

The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; the requested waiver will allow the applicant to responsibly and effectively develop the property. The Applicant has made open its' efforts since the first building was built in the Chamberlain Crossings Business Park to make neighbors aware and Planning Commission aware of its intent to develop these last properties adjacent to the CSX railroad as evidenced in past case's Docket's 9-031-05 and 9-09-06W.

The waiver is necessary for the applicant to provide adequate parking and internal circulation for the site so that it may be properly incorporated into the Chamberlain Crossings Business Center. **This waiver is the minimum needed for the non-residential development of this property.**

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land.

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