

WAIVER JUSTIFICATION STATEMENT

The Deerfield Company

10201 Brownsboro Road

The proposed waiver, which will permit the applicant to waive the required amount of clear glass glazing along the south and east elevation of the proposed grocery store on the subject property will not adversely affect the adjacent property owners. The proposed structure will comply with the remainder of LDC Section 5.6.1 regarding animating features and building design. However, the proposed building, like most large format retail buildings, will not have the amount of glazing as a smaller, more pedestrian-focused building might. In addition to the animating design features, the proposed building will be located behind a significant landscape area along both Ballardsville and Brownsboro Roads and a parking lot with interior landscaping.

This waiver will not violate the Comprehensive Plan. The proposed commercial development is consistent with other commercial developments in the area. The property to the north of the subject property is a multifamily residential development, and the properties to the south are a variety of utility and commercial uses. All of the developments in the immediate vicinity contain buildings set back from the road behind parking. Further, the corner of the subject property will be developed in the future with a smaller commercial building that will be much closer to both Ballardsville and Brownsboro Roads.

The reduction in clear glazing is the minimum waiver necessary to allow the proposed building to function as intended. Like other large format retail buildings, much of the area near the front of the building is office, trade space or other uses that requires privacy. The applicant is proposing to provide a significant amount clear glazing where the deli and checkouts are located and will provide animating features across the entirety of the front of the proposed building.

The waiver arises from special circumstances that do not generally apply to land in the vicinity of the project. In this case, the proposal is affected by two competing design requirements, the parkway buffer, which seeks to put a greater distance and heavy plantings between buildings and the roadway, and the glazing requirement, which seeks to make buildings more open to the street. This distance reduces the effect of the clear glazing. The proposed design will not have any adverse effect on adjoining properties.

The strict application of the regulations would create an unnecessary hardship on the applicant, as it would require the building to be redesigned and contain a design feature that is not useful given the location and configuration of the subject property.

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