

## LDC WAIVER JUSTIFICATION STATEMENT

**SUSAN A. COX**

**LDC Section 5.6.1.C.1 – Non-Residential Building Window Design Standards  
7717 and 7721 St. Andrews Church Road**

The applicant, Susan A. Cox has submitted a zoning application, under Case No. 22-ZONE-0111, seeking CN zoning for property located at 7717 and 7721 Saint Andrews Church Road (together, the “Property”) to allow on the Property construction of a new 10,100 square foot convenience retail building on vacant property located at the southeast corner of St. Andrews Church Road, a minor arterial roadway, and Cardinal Oaks Drive, a local roadway (the “Proposal”). The Property is 1.988 acres in area and located in the Neighborhood Form District. As it has successfully done so in regards to other store locations within Jefferson County, and as further explained herein, the applicant must request a waiver of LDC Section 5.6.1.C.1’s window design standards for the Proposal on this Property. LDC Section 5.6.1.C.1 requires the proposed building to contain 50% clear windows and doors at street level on the street-facing building facades along the Cardinal Oaks Drive and St. Andrews Church Road Outer Loop. For the justifications stated herein, the requested waiver complies with the criteria for granting waivers and, therefore, should be approved.

The requested waiver to allow less than 50% *clear* windows at street level will not adversely affect adjacent property owners as it will allow for the vitalization of a vacant, unused corner property with the placement of a retail use to serve the residents and workers in the area, from within a new quality building that is compatibly designed with existing buildings in the surrounding area and along the St. Andrews Church corridor. As the formerly submitted renderings of the proposed building convey, the new retail store will have attractive street-facing facades comprised primarily of masonry materials and outfitted with windows accompanied by awnings atop of them. The building facades include a significant amount of split-face block to complement buildings in the surrounding area, as well as additional variation in color and materials to create visual interest along the street scape for pedestrians, bicyclists and drivers.

The building design locates one main entrance to the building along the St. Andrews Church Road façade; the windows associated with the customer entrance will have clear glazing, offering a view into the building. The St. Andrews Church Road-facing facade will be further animated by three windows, two of which will have awnings atop them. In addition, seven (7) windows will face Cardinal Oaks Drive, with four (4) of those windows containing awnings, providing further architectural animation for visual interest. Except for the windows directly adjacent to the entrance – one window on St. Andrews Church Road and one window along Cardinal Oaks Drive – the windows on the building will consist of spandrel glazing, offering no views into

the retail store. The non-transparent windows will utilize spandrel glazing because if clear glass was utilized the view into the building would be of shelving affixed to the inside of the exterior wall. Because the building is a retail store designed for customers to shop for various goods available on shelves and refrigerators throughout the store, including along the stores walls, the use of clear-glass windows along most of the exterior walls would provide views looking into the building of the back of shelves or of appliances. There will also be extensive landscaping and tree plantings along the St. Andrews Church Road and Cardinal Oaks Drive frontages in front and to the west of the building, providing additional visual interest to the site and breaking up the building facades with natural elements, especially when viewing from street level.

The requested waiver will not adversely affect adjacent property owners because the building will contain windows and doors at street level and the windows that do not offer clear views into the building will not be detectable from the windows that do allow views into the building unless one is up against the windows themselves. Therefore, the proposed building, when viewed from the outside, will have animating architectural features typical of a retail building fronting a commercial corridor and, importantly, compatible with the surrounding uses if the area.

The requested waiver will not violate Plan 2040 A Comprehensive Plan for Louisville Metro because Plan 2040's Goal 1, Policy 4 encourages new development and redevelopment be compatible with the scale and site design of nearby existing development and with the desired pattern of development within the [Neighborhood] Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The proposed design of the building meets the comprehensive plan because it will be constructed of quality design and building materials that will blend well with architectural styles of existing commercial buildings on the St. Andrews Church Road corridor. The proposed development represents a significant investment in the vitalization of a vacant, mostly tree-less, corner commercial property. The fact that drivers and pedestrians passing by the commercial property will be unable to detect whether the building's windows afford views into the building will not erode the quality of the building's design, look and feel; for, architecturally, the windows will appear exactly as windows, thereby achieving visual interest of the street-facing façade through its animating features, respectively. For the foregoing reasons, the proposed building window design wavier complies with Plan 2040.

As discussed herein, the proposed building will have 50% of the wall surfaces at street-level consisting of windows and doors. That window design standard will be met. Except for the windows associated with the customer entrance, the remaining windows will not offer clear views into the building, however. The requested waiver is the minimum necessary to afford relief to the applicant because compliance with this building design requirement is not possible due to the interior layout of the floor, which includes bathrooms located along the western wall (facing

St. Andrews Church Road) as well as shelving for internal merchandise (St. Andrews Church Road and Cardinal Oaks Drive facades). Clear windows affording views into the building along parts of the front façade and western façade will interfere with the site's functionality (views from outside into bathrooms) or the views into the building will include views of the back of shelves, neither of which are beneficial to anyone and serve no purpose. Consequently, the strict application of the window design regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because it would prevent the applicant from using all of its interior space for merchandise and other operational functional support (bathrooms, loading), making the proposed building less efficient and raising the costs of the overall site development just for the purpose of providing clear views into the commercial building. The proposed site design, building design, added pedestrian connections, and tree canopy plantings will be a significant improvement over the existing site conditions. With the exception of the 50% clear windows/doors requirement, the proposed building design incorporates architectural animating features and variation in building materials along its street-facing facades, complementing the affected streetscape.

For the foregoing reasons, as well as the reasons stated in the justification statements submitted with the zoning application, SC Development, LLC respectfully requests approval of waiver relief to allow the proposed building to not contain 50% *clear* windows at street level along the St. Andrews Church Road and Cardinal Oaks Drive facades.