

SABAK, WILSON & LINGO, INC.
ENGINEERS, LANDSCAPE ARCHITECTS & PLANNERS
THE HENRY CLAY • 608 S. THIRD STREET
LOUISVILLE, KY 40202
PHONE : (502) 584-6271 • FAX : (502) 584-6292

RECEIVED

JUN 18 2018

PLANNING &
DESIGN SERVICES

WAIVER JUSTIFICATION STATEMENT (REVISED)
HARBOR FREIGHT

The applicant is requesting a waiver of LDC 5.6.1.B.1.a and 5.6.1.C.1 which are both related to providing windows. Due to the type of commercial use, and internal operations of Harbor Freight, windows are not appropriate. It is important to note that the applicant will be meeting other animating feature requirements of LDC 5.6.1.B.1 with changes in materials and undulations in the building façade. Proposed landscaping in the VUA buffers and existing vegetation along Preston Highway will help to mitigate this request. In addition, other commercial users in the general vicinity do not meet this requirement including Walgreens, CVS and Ken Towery. Therefore this will not alter the character of the area.

1. Will the waiver adversely affect adjacent property owners?

No. The car wash to the north has no windows facing the subject property and landscaping will help to mitigate any affect this would have to the south, east or west.

2. Will the waiver violate the Comprehensive Plan?

No. This request relates to Guideline 3: Compatibility. This site is surrounded by other commercial development, several of which do not meet window requirements. The applicant will mitigate this request with existing and proposed plantings and the use of other animating features. Therefore, this site will be compatible with the surrounding neighborhood.

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

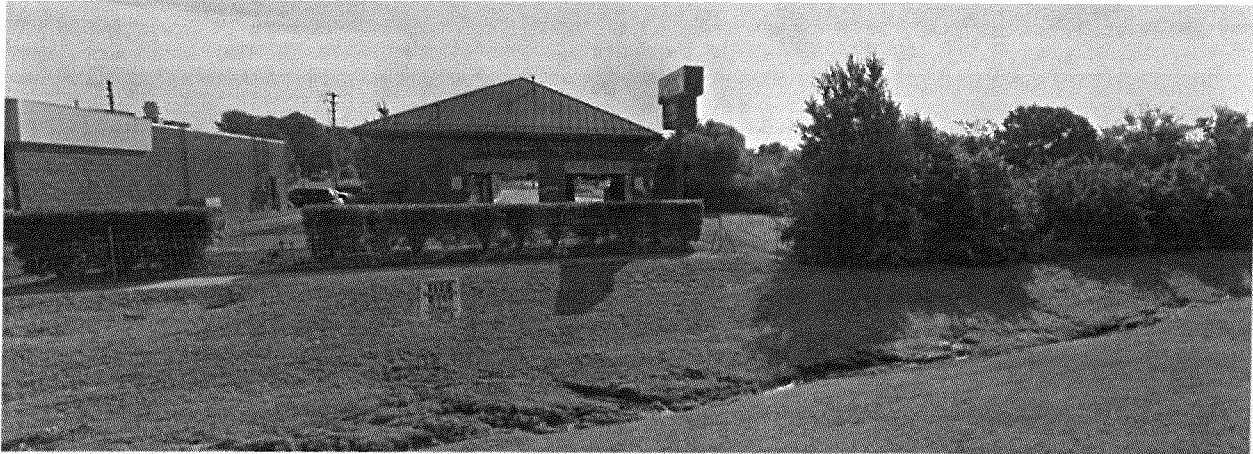
Yes. Harbor Freight requires no windows in their buildings because of the interior storage and display practices. Racks are stacked against the exterior walls and would block windows. This is not dissimilar to other tool/home improvement stores in the area.

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 will exceed planting requirements along Preston Highway. Measures may include larger shrubs and more trees than required (including some of the existing trees in the ROW). In addition, the applicant will provide foundation plantings for a portion of the façade facing Standiford Plaza Drive. A landscape exhibit will be prepared and submitted prior to DRC or LD&T.

The applicant is also requesting a sidewalk waiver from LDC Chapter 5.8.1.B to not provide sidewalks along Preston Highway. Although the site is adjacent to this roadway, there is no connection. The existing topography in that area would make sidewalk construction extremely expensive due to existing road-side swales and an intermittent stream. Not to mention, there are protections in the floodplain ordinance that is enforced by MSD for the preservation of the vegetation around this stream. The back of the building faces Preston Highway and there will be no customer entrances on that façade. The

building's primary entrance is oriented toward Standiford Plaza Drive which serves as pedestrian and vehicular access to the property. In addition, with the exception of a small 65' strip of sidewalk at the nearby carwash, there are no sidewalks along Preston Highway within a mile of this site. The closest sidewalks I could find were on the opposite side of I-265. With the change in topography between the subject site and the car wash, it would be extremely difficult to construct an accessible sidewalk that could connect the two sites. (See image below.)



With regard to the specific justification for this waiver, please note the following:

1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

This waiver will allow the protection of an intermittent stream and it's associated vegetation. It will not violate the comprehensive plan because we are still providing pedestrian access along Standiford Plaza Drive which is the primary entrance to the building.

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?

Compliance with the regulations is not appropriate because there are significant drainage facilities within the right-of-way, including an intermittent stream. These features create topography that is no conducive to sidewalk construction. The protection of this intermittent stream is in line with the intent of the Land Development Code and Comprehensive Plan.

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

There will be no affect on adjacent property owners. Sidewalks will be constructed on Standiford Plaza Drive that will provide safe pedestrian access between adjacent properties. Although there is a small section of sidewalk along the carwash site, there is no connection from that carwash to the sidewalk, so there will be no negative impact.

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?

The striction application of the regulations would require the construction of a sidewalk that would be cost-prohibitive and potentially unbuildable. It would require the applicant to get relief from the floodplain ordinance to grade and remove vegetation within an intermittent stream buffer which MSD has already indicated that they would deny. It would also reduce the number of mature trees that can be preserved within the right-of-way to mitigate the waivers listed above.

RECEIVED

JUN 18 2018

PLANNING &
DESIGN SERVICES