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**LANDSCAPE & TRANSITION ZONE BUFFER WAIVER**

**JUSTIFICATION STATEMENT**

JUN 19 2017

LDC Sections 5.5.4.B.1, 5.7.1.B.3.a, 10.2.4.A (Tables 10.2.3 and 10.2.4), 10.2.4.B and 10.2.11

DESIGN SERVICES

**Flexo Wash, LLC  
2010 PLANTSIDE DRIVE  
JUNE 19, 2017**

As set forth in its Letter of Explanation filed herewith, the applicant, Flexo Wash, LLC, is seeking approval of a Category 2B Development Plan to construct a 4,580-square foot expansion to an existing office and warehouse building on property located at 2010 Plantside Drive, Jeffersontown, KY, and inside the Bluegrass Research and Industrial Park (the "Subject Property"). The expansion will provide the applicant additional warehouse space and a loading dock, both of which are necessary to meet the applicant's growing business needs. The Subject Property is zoned PEC Planned Employment Center and is in the Suburban Workplace Form District. The adjacent properties to the north, south, and across Plantside Drive to the east are all similarly zoned PEC and also within the Suburban Workplace Form; the adjacent property to the west, which is to the rear of the Subject Property, is zoned R-4 Single Family and within the Neighborhood Form. An existing electrical easement burdens the rear 50 feet of the Subject Property. In conjunction with the proposed expansion to the existing building, the applicant is requesting waiver relief from numerous Land Development Code provisions, mainly related to landscaping requirements and many of which have overlapping applicability to exiting conditions on the Subject Property. The justifications for these waiver requests are set forth herein.

The applicant requests a waiver from the Suburban Workplace compatibility standards of LDC 5.5.4.B.1 to reduce the 50-foot landscape buffer area requirement along the rear property line to 10 feet and to not establish a 6-foot berm therein. The applicant is also requesting waiver relief from the generally applicable traditional design standards of LDC 5.7.1.B.3.a and the property perimeter landscape buffer area ("LBA") requirements of LDC 10.2.4.A, including LDC Tables 10.2.3 and 10.2.4, to maintain the half foot of LBA on the south property line, between the existing access drive on the Subject Property and the adjacent PEC property; and to have nearly 7 feet of LBA on the north property line, between the north façade of the proposed expansion and the adjacent PEC property. In addition, waiver relief from LDC Section 10.2.4.B is requested to allow an existing 50-foot electrical line easement to overlap the 10-foot LBA along the rear property line by 100%. Furthermore, the applicant seeks waiver relief from LDC Section 10.2.11 to omit the required Interior Landscape Area ("ILA") within the Vehicular Use Area ("VUA"), located behind the proposed expansion. As explained herein, the requested waivers comply with the criteria for granting waivers set forth in the Land Development Code and the Cornerstone 2020 Comprehensive Plan, and, therefore, should be approved.

The requested waivers will not adversely affect adjacent property owners because, except for the proposed building expansion into a portion of the LBA along the north property line, the encroachments into required landscape buffer areas largely represent existing conditions. Moreover, the applicant is reducing the impervious area located on the Subject Property by 4,052 square feet (11.7% reduction for the site) and replacing it with

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green space. Much of this added green space will be along the north property line, 2017  
the applicant's proposed building addition won't negatively impact its adjacent neighbor,  
an auto collision repair center, because the neighbor's existing building is closer to the  
shared property line than the applicant's proposed expansion. The portion of the south  
property line where the applicant is requesting less than a foot of LBA reflects an existing  
condition; the existing access drive will remain to allow cars to access the parking area in  
the rear of the Subject Property and trucks to make efficient and safe maneuvers when  
accessing the proposed loading area. A recessed loading dock is a part of the proposed  
building expansion and will face the PEC property to the south, which has a much larger  
parking area thereon that also includes a loading area directed toward the Subject  
Property. Existing trees along the Subject Property's southern property provides some  
softening between the neighboring properties' parking areas. The adjacent properties to  
the north and south do not have established perimeter property LBAs along their  
respective shared property lines with the Subject Property.

Currently, there is no LBA established on the Subject Property's western property  
line, which is shared with a residential property; a strong tree canopy and thick evergreen  
screen exists on the residential property, however. The applicant proposes to supplement  
the already effective screen with a 10-foot LBA along its rear property line, which will be  
planted with a solid, 8-foot evergreen screen to further mitigate any visual effects from the  
proposed building expansion, VUA and parking areas. There is an existing electrical  
easement occupying the rear 50 feet of the Subject Property and provides access to  
overhead electrical power lines, which span the rear yards of the properties located along  
this stretch of Plantside Drive. Said electrical power lines are high enough above the  
property and do not consume all 50-feet of the easement, however, so that the applicant  
can safely establish the proposed 10-foot LBA along the existing chain-link fence. In  
contrast, to the exiting condition, where the previous property owner utilized its rear yard  
as a staging area for materials used on offsite commercial construction jobs, the applicant  
proposes a clean, landscaped parking and vehicular use area—a measurable improvement  
to a non-existent transition area between PEC and residentially zoned properties. The  
omission of an ILA in the rear parking and VUA will not adversely affect the neighboring  
property owners because the overall net effect of the proposed landscaping on the Subject  
Property will compensate for any loss of benefit from the inclusion of a small ILA within the  
compact parking and VUA in the rear of the property. Therefore, the requested waivers  
will not adversely impact adjoining properties.

The applicant's requested waivers will not violate Cornerstone 2020 because the  
proposed building expansion conforms with the pattern of development of the Suburban  
Workplace Form District and the pattern of development in the Bluegrass Research and  
Industrial Park, particularly the developed industrial, office and warehouse properties  
located along Plantside Drive. The waivers will not violate specific compatibility and  
design guidelines of Cornerstone 2020 because the proposed development, relative to how  
it relates to the Subject Property, will be compatible in layout, massing, scale, and size to  
other uses within the same corridor. Indeed, the adjacent properties to the north and  
south currently have existing buildings that encroach into the transitional zone buffer area  
and associated rear LBAs in a similar fashion to what the applicant now proposes with its

building expansion. This pattern of development is firmly established along Plantside Drive, including those properties fronting Plantside and backing up to those properties that front Old Hickory Road. Therefore, the applicant's proposed development respects the predominant rhythm, massing and spacing of the existing development in the immediate area.

The applicant's proposed expansion to the existing building, along with the addition of a cleaned-up, landscaped parking and maneuvering area, represent a strong economic investment on the Subject Property, where the applicant is excited to relocate and grow its current business operations. In addition, the applicant's proposed landscaping improvements will improve the Plantside Drive streetscape with three new street trees and added bushes to screen the VUA on the south property line, toward the front of the Subject Property. The existing location of the access drive and proposed parking and vehicular maneuvering areas will allow for proper and safe circulation on the site. The proposed development will not have any adverse traffic, lighting, or other visual impacts to surrounding property owners. For all the foregoing reasons, the requested waivers will not violate Cornerstone 2020.

The extent of waiver of the regulations is the minimum necessary to afford relief to the applicant because the electrical power line easement, the location of the current office and warehouse building and associated access drive that serve the property are existing conditions which are unlikely to change. Moreover, the existing office and warehouse building on the Subject Property predated the applicable property perimeter LBA requirements of the LDC, which, given the relatively narrow width of the parcel, would require removing the existing access drive south of the building to comply with the LBA requirement along the south property line. Consequently, the waiver of the applicable landscape and buffer regulations is the minimum necessary to afford relief to the applicant so that it can provide the necessary safe and efficient VUA and parking areas on site to serve its growing business. Though the applicant requests relief from the applicable LDC landscape and property perimeter buffer requirements, the applicant is meeting the spirit of these regulations because it will provide much needed landscaping enhancements on site, including added green space, reduced impervious areas, and a continuous 8-foot vegetative screen along the rear property line, all of which contribute to a significant improvement to the Subject Property.

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 on the applicant because the electrical power line easement, current placement of the existing building and associated access drive location are existing conditions and cannot be relocated, at least not without the applicant enduring unaffordable costs. Additionally, the Subject Property is a relatively narrow infill site which will utilize an existing access drive on the south of the existing building, leaving a limited area to provide on-site parking and VUA for loading/unloading. The requested waiver will enable the applicant to provide adequate parking and safe VUA for its proposed use on the Subject Property without negatively impacting the surrounding area. If the waiver for the access drive is not granted, the applicant will be unable to improve and utilize the property as proposed.

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**TRANSITION ZONE: PRIMARY FAÇADE STANDARDS ON REAR-FACING FAÇADE**  
**WAIVER JUSTIFICATION STATEMENT**  
**5.7.1.B.3.b and 5.6.1.B.1.a**

The applicant, Flexo Wash, LLC, proposes to construct an approximately 4,500-square foot expansion to the existing building on the Subject Property to increase the available warehouse space and create usable loading/unloading accessibility for its growing business. The proposed building expansion will be constructed out of metal, incorporating a combination of various siding orientations and windows to provide animation throughout the exterior walls of the structure. The Subject Property is zoned PEC and is located in the Suburban Workplace Form; it's bounded on 3 sides by other PEC-zoned property which are also located within the Suburban Form, and its 4<sup>th</sup> side by a residentially-zoned property located on Old Hickory Road. Given this zoning configuration, the Land Development Code instructs that transition zone standards between the PEC-zoned properties and adjacent residentially-zoned properties be provided. More specifically, LDC Section 5.7.1.B.3.b states that because the applicant's proposed building expansion in the rear of the Property faces a residentially-zoned property, said rear-facing façade must meet the standards for primary building facades, which are set forth in LDC Section 5.6.1.B.1.a. Here, although the rear-facing façade of the applicant's proposed building expansion includes windows along portions of its top level as well as differing siding orientations throughout the structure's exterior, the applicant proposes to use animating features on less than 60% along the horizontal length of said façade's ground-floor level, triggering a waiver of Sections 5.7.1.B.3.b and 5.6.1.B.1.a.

The proposed waiver will not adversely affect adjoining property owners, particularly the adjoining residential property to its rear. The applicable LDC provisions are intended to soften the often hard aesthetic look of industrial/warehouse buildings when those buildings face residentially-used properties. As set forth in the justification to the associated landscape waiver requests, the applicant is establishing a continuous 8-foot evergreen screen along the shared property line with the residential property, where no screen previously existed on the Subject Property. In addition, the adjoining residential property already has a robust vegetative screen along its rear property line, as well as existing tree canopy, which provides additional protection from views above the landscaping screen and into the Subject Property. As a result, the adjacent residential property owner to the rear will not be able to see the ground level of the applicant's proposed building expansion and the sections of the building located above the ground level that might be viewable will contain animating features. Hence, the adjoining property owner to the rear will not be adversely affected by the applicant's waiver request.

The waiver will not violate Cornerstone 2020 for all the reasons set forth above in the applicant's associated waiver requests, and because the applicant is providing landscaping improvements to the rear area of the Subject Property, where virtually no landscaping existed before. Additionally, the property is located within the Bluegrass Research and Industrial Park, the majority of which is located within the Suburban Workplace Form, where buildings very similar in nature to what the applicant proposes here are located throughout the Industrial Park. Moreover, the very configuration the

applicant is requesting with its building expansion appears to be the standard pattern of development along this stretch of Plantside Drive and how the industrial and warehouse buildings located thereon relate to the rear yards of the residential properties fronting Old Hickory Road. Hence, the applicant's waiver request is compatible with the surrounding area and complies with Cornerstone 2020.

The extent of the waiver is the minimum necessary to afford the applicant relief. The applicant is providing animating features along the upper level of its rear-facing façade, where windows will be installed. Flexo Wash intends to use this portion of the proposed building expansion to store valuable product inventory and associated machinery, and the windows will be installed above the area where it is more appropriate for security measures. The applicant will install an 8-foot vegetative screen to help create a suitable transition between the residential and PEC properties, which will offset any negative impacts resulting from the applicant's request to not use animating features on less than 60% along the horizontal length of the rear-facing façade's ground-floor level.

The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant in this case. The applicant proposes to install a continuous vegetative screen along the fence on its rear property line, which will bolster an already existing thick vegetative screen on the adjoining residential property. As a result, the applicant would be forced to include animating features along the ground level of the proposed warehouse's rear-facing façade, which, because of the existing and proposed screens, will be viewable only to its employees. The applicant's compliance with this LDC Section poses considerable security risks to the applicant that it simply cannot afford to undertake.

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