

Development Review Committee

Staff Report

August 2, 2017



Case No:	17WAIVER1019
Project Name:	Landscape waivers (LDC 2004 – City of Jeffersontown)
Location:	2010 Plantside Drive
Owner(s):	Michael Potter – MIJA LLC
Applicant:	Ryan Potter – Flexo Wash
Representative(s):	Jon Baker Esquire – Wyatt, Tarrant, and Combs, LLP.
Project Area/Size:	1.00 acre or 43,558.47 sf.
Jurisdiction:	City of Jeffersontown, KY
Council District:	18 – Marilyn Parker
Case Manager:	Ross Allen – Planner I

REQUEST(S)

- **WAIVER #1:** from LDC Section 5.5.4.B.1 to reduce the 50 foot landscape buffer area to 10 feet along the rear property line and not provide a 6 foot berm, adjacent to a residentially zoned R-4 parcel in a Neighborhood Form District.
- **WAIVER #2:** from LDC Section 5.6.1.B.1.a AND 5.7.1.B.3 to allow the proposed façade, as found to the rear and located in a transition zone PEC to R-4, to not meet the standards for primary building façade and having less than 60% of the horizontal length being animated features.
- **WAIVER #3:** from LDC Section 10.2.4.A, tables 10.2.3 and 10.2.4, to reduce the required 15 foot Landscape Buffer Area (LBA) to .46 feet along the southern property line (side yard) between the existing access drive on the subject property and the adjacent (southern) PEC zoned property; and to reduce the 15 foot LBA to 6.97 feet along the northern property line between the northeastern corner of the proposed expansion and the adjacent (northern) PEC zoned property.
- **WAIVER #4:** from LDC Section 10.2.4.B to allow an existing 50 foot electrical line easement to overlap the 10 foot LBA along the rear property line by 100%.
- **WAIVER #5:** from LDC Section 10.2.11 to not provide the required 7.5% or 1,314.9 sf. of Interior Landscape Area (ILA) within the vehicular use area (VUA) located behind the proposed addition/expansion.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 4,585 square foot addition, a 59% increase in the building footprint, with the addition of a loading/unloading dock at the rear of the existing 5,235 sf. office/2,530 sf. warehouse. 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 Workplace Form, and its 4th side by a residentially-zoned property located on Old Hickory Road within a Neighborhood Form District.

The applicant indicates on the development plan that the existing VUA will be reduced from 25,996 sf. to 17,532 sf. or a 67% decrease in the VUA. The VUA will have 14 parking spaces and the applicant is using table 9.1.1 Notes: allowing for a 10% reduction in the minimum required number of spaces applying to any development with a regularly scheduled transit stop within 200 feet of the site. The ten percent reduction would result in 1.6 parking space reduction or two spaces resulting in the minimum of 14 parking spaces required. There were no previous cases on this site.

STAFF FINDING / RECOMMENDATION

Staff finds the five landscape waivers from LDC (City of Jeffersontown, KY - 2004) Sections 5.5.4.B.1 5.6.1.B.1.a AND 5.7.1.B.3, 10.2.4.A, tables 10.2.3 and 10.2.4, 10.2.4.B, and 10.2.11 justifiable given that the subject site has existing conditions and the applicant via the aforementioned waivers is attempting to come into compliance with limitations based on existing conditions relative to area on site.

The proposed waivers seem to appear to be adequately justified based on staff analysis in the staff report. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC (City of Jeffersontown, KY – 2004) Sections 5.5.4.B.1, 5.6.1.B.1.a AND 5.7.1.B.3, 10.2.4.A, tables 10.2.3 and 10.2.4, 10.2.4.B, and 10.2.11.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Commercial	PEC	Suburban Workplace
Proposed	Commercial	PEC	Suburban Workplace
<i>Surrounding Properties</i>			
North	Commercial	PEC	Suburban Workplace
South	Industrial	PEC	Suburban Workplace
East	Industrial	PEC	Suburban Workplace
West	Residential Single Family	R-4	Neighborhood

TECHNICAL REVIEW

Subject site is located within the City of Jeffersontown, KY and a sidewalk waiver was not required since the fee-in-lieu option was to be paid to the City of Jeffersontown. (Please see e-mail from Steve Rusie, City of Jeffersontown, KY Planner dated 6/30/2017 11:16 a.m.)

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Land Development Code (City of Jeffersontown, KY - 2004)
Cornerstone 2020

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER #1: of LDC Section 5.5.4.B.1 to reduce the 50 foot landscape buffer area to 10 feet along the rear property line for an approximate distance of 132 feet and not provide a 6 foot berm, adjacent to a residentially zoned R-4 parcel in a Neighborhood Form District:

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since currently there is no LBA established along the western property line, the applicant is proposing to supplement the existing plantings as found on the western residentially zoned parcel with a 10 foot LBA and planting of eight foot evergreens, five feet on center, with an existing chain link fence to mitigate any visual effects from the proposed expansion/addition.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 because the proposed building expansion conforms to the pattern of development of the Suburban Workplace Form District and within the Bluegrass Research and Industrial Park, particularly the developed industrial, office, and warehouse properties located along Plantside Drive.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to 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.

- (d) Either:

(i) The applicant has 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

(ii) 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.

STAFF: 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 because 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 of LDC Section 5.6.1.B.1.a and 5.7.1.B.1.3 to allow the proposed façade, as found to the rear and located in a transition zone PEC to R-4, to not meet the standards for primary building façade, having less than 60% of the horizontal length being animated features:

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect adjacent 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.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 3, Policies 1 and 2 call for the compatibility of all new development and revelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 60% of the façade. 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 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.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: 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 facade, 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 facade's ground-floor level.

- (d) Either:
(i) The applicant has 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
(ii) 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.

STAFF: 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 facade, 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3 of LDC Section 10.2.4.A, tables 10.2.3 and 10.2.4, to reduce the required 15 foot Landscape Buffer Area (LBA) to .46 feet along the southern property line (side yard) between the existing access drive on the subject property and the adjacent (southern) PEC zoned property; and to reduce the 15 foot LBA to 6.97 feet along the northern property line between the northeastern corner of the proposed expansion and the adjacent (northern) PEC zoned property:

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver 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 green space. Much of this added green space will be along the north property line, where the applicant's proposed building addition won't negatively impact its adjacent neighbor, an auto collision repair center, because the neighbor's existing building shares a property line near 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.

(b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. 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 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.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because 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.

- (d) Either:
(i) The applicant has 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
(ii) 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.

STAFF: 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 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #4 of LDC Section 10.2.4.B to allow an existing 50 foot electrical line easement to overlap the 10 foot LBA along the rear property line by 100%:

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners because 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.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of 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.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: 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.

- (d) Either:

(i) The applicant has 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

(ii) 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.

STAFF: 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER #5 LDC Section 10.2.11 to not provide the required 7.5% or 1,314,9 sf. of Interior Landscape Area (ILA) within the vehicular use area (VUA) located behind the proposed addition/expansion.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waivers will not adversely affect adjacent property owners because, 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 green space. 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.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. 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. 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.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of waiver of the regulations is the minimum necessary to afford relief to the applicant because 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 predate the applicable ILA requirements of the LDC allowing 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.

- (d) Either:
 (i) The applicant has 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
 (ii) 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.

STAFF: 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.

REQUIRED ACTIONS

Approve/Deny WAIVER #1: of LDC Section 5.5.4.B.1 to reduce the 50 foot landscape buffer area to 10 feet along the rear property line for an approximate distance of 132 feet and not provide a 6 foot berm, adjacent to a residentially zoned R-4 parcel in a Neighborhood Form District.

Approve/Deny WAIVER #2 of LDC Section 5.6.1.B.1.a and 5.7.1.B.1.3 to allow the proposed façade, as found to the rear and located in a transition zone PEC to R-4, to not meet the standards for primary building façade, having less than 60% of the horizontal length being animated features.

Approve/Deny WAIVER #3 of LDC Section 10.2.4.A, tables 10.2.3 and 10.2.4, to reduce the required 15 foot Landscape Buffer Area (LBA) to .46 feet along the southern property line (side yard) between the existing access drive on the subject property and the adjacent (southern) PEC zoned property; and to reduce the 15 foot LBA to 6.97 feet along the northern property line between the northeastern corner of the proposed expansion and the adjacent (northern) PEC zoned property.

Approve/Deny WAIVER #4 of LDC Section 10.2.4.B to allow an existing 50 foot electrical line easement to overlap the 10 foot LBA along the rear property line by 100%.

Approve/Deny WAIVER #5 from LDC Section 10.2.11 to not provide the required 7.5% or 1,314,9 sf. of Interior Landscape Area (ILA) within the vehicular use area (VUA) located behind the proposed addition/expansion.

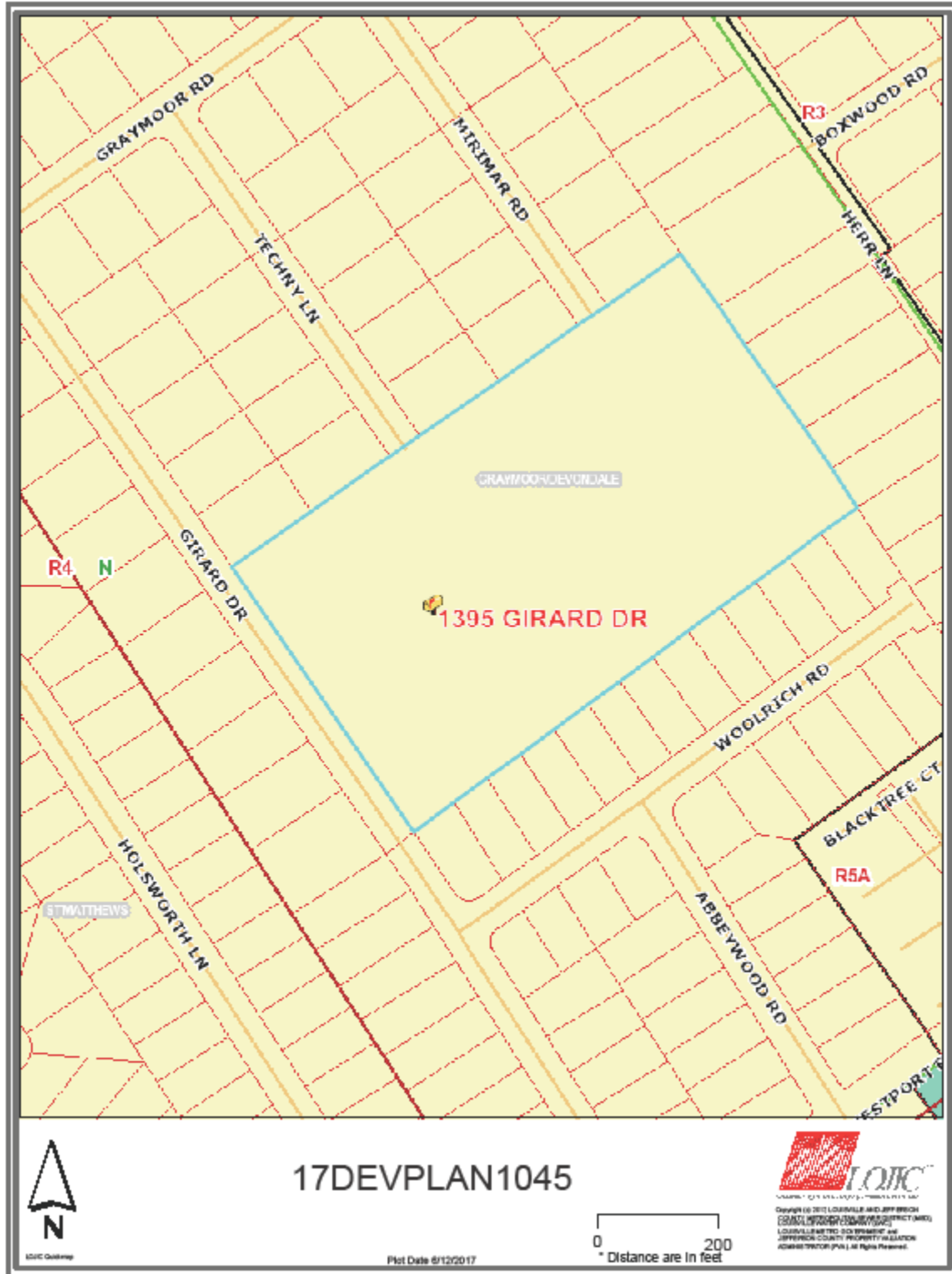
NOTIFICATION

Date	Purpose of Notice	Recipients
August 2, 2017	Hearing before DRC	1 st tier adjoining property owners
July 20, 2017	Hearing before DRC	Subscribers of Council District 18 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

