

Waiver Justification

To justify approval of any waiver, the Planning Commission considers the four criteria. Please answer all the following items. Use additional sheets if needed. Responses of **yes, no, or N/A** will not be accepted.

1. Will the waiver adversely affect adjacent property owners?

No, the Gene Snyder buffer will be left in place with existing vegetation/screening, approximately 10' of Buildings 1, 25' of Building 2, and 25' of parking will encroach into the 50' required buffer. The adjacent property owner is the ramp of the freeway.

2. Will the waiver violate the Comprehensive Plan?

No, the waiver will not violate the Comprehensive Plan because existing vegetation will be left in place, and additional landscape plantings will be provided within the remaining buffer.

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

Yes, in order to obtain the minimum parking required for the project, the waiver of the regulation is the minimum necessary to afford relief to the applicant.

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 strict application of the provisions of the regulation would deprive the applicant of being able to construct (2) hotels on the land creating an unnecessary hardship on the applicant.

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