

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

Waiver will remove 4ft of width from the required LBA. The remaining 6ft will be landscaped. Adjacent properties are commercial (Wal-Mart and Kmart). For these reasons granting this waiver will not adversely impact the adjacent property owners.

**2. Will the waiver violate the Comprehensive Plan?**

Granting of this waiver will not violate the requirements of Cornerstone 2020, Regional Center, Guidelines 1, 2, or 3.

**RECEIVED**  
OCT 27 2011  
PLANNING &  
DESIGN SERVICES

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

The proposed building and canopy cannot move to the south or east due to existing easements. The fuel delivery truck route requires fuel trucks to pass north of and adjacent to the canopy. For the trucks to safely maneuver around the north side of the building while cars are parked at the fuel pumps requires a minimum 30ft drive. Granting of this waiver will allow safe access for fuel delivery trucks to the site.

**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?**

A proposed landscape island south of the canopy was increase from the required 10ft width to 15ft has compensation for granting of this waiver.

14WAIVER1039

**District Development Plan Justification:**

In order to justify approval of any district development plan, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

- 1. **Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

The proposed site is an existing parking area with several small trees in landscape islands. Several of the small trees will need to be removed and replaced with the new construction. No other natural resources are located within the proposed project area.

- 2. **Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Yes, there are existing access drives from Outer Loop serving this property as well as internal roadways interconnecting Wal-Mart, K-mart and retail facilities. Sidewalks are existing on site with a bus stop adjacent to the proposed Murphy USA gas station site.

- 3. **Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

Yes the project will comply with the current landscape code and UVA requirements for open/green space, tree installation and landscape shrubs. An existing bus stop with landscape strip adjacent to the proposed project will remain.

- 4. **Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

Yes, there is an existing inlet and storm pipe drainage system located within the proposed project property that is designed to accept storm runoff. This system outfalls to an existing detention area that was designed to accommodate the proposed project storm runoff. This information was confirmed by MSD.

- 5. **Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

Yes, a meeting was held with City planning staff to confirm the proposed gas station was compatible with C-2 and Suburban Marketplace form requirements. In 2003 a gas station was included and approved for the Wal-mart project.

- 6. **Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

Yes, this was confirmed by City staff that our proposed gas station is in conformance with the land development code and comprehensive plan.

RECEIVED

JUL 14 2014

PLANNING & DESIGN SERVICES

DESIGN SERVICES