

DESIGN WAIVER JUSTIFICATION STATEMENT

SC DEVELOPMENT, LLC

**1201 Dixie Highway, 1772 and 1774 Oak Street
14ZONE1029**

July 28, 2014

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SC Development, LLC is applying for a change in zoning for two parcels of property currently zoned R-7 along Oak Street, just to the East of Dixie Highway. The overall development site includes commercially zoned (C-1) property at the southeast corner of Oak Street and Dixie Highway. The development also includes the proposed closure of an unnamed alley that runs north and south between the currently-zoned commercial section of the overall development and the property proposed to be rezoned. In conjunction with the rezoning request, the applicant is also requesting the following waivers of Chapter 5 of the Land Development Code ("LDC"): (1) a waiver of Section 5.6.1.C in order to reduce the percentage of wall surfaces at street level that consist of clear glass and doors to below 50%; and (2) a waiver of Section 5.5.A.1.b in order to permit the primary entrance of the proposed development to be at the southwest corner of the building as opposed to the northwest corner. For the reasons stated herein, the requested waivers comply with the Cornerstone 2020 Comprehensive Plan and the criteria for granting waivers and, therefore, should be approved.

The requested waiver of Section 5.6.1.C will not adversely affect the adjacent property owners. Although a reduction in the percentage of wall surfaces at street level that consist of clear glass and doors to below 50% is requested, the applicant's proposed building will use building materials that can be found in surrounding properties, including block, brick and accent materials. Furthermore, when developed, the property will be similar in size to other neighborhood shops in the area, and will be oriented toward the street. Therefore, the requested waiver will not adversely affect the adjacent property owners.

The requested waiver of Section 5.5.A.1.b will not adversely affect adjacent property owners. While the intent of Section 5.5.A.1.b is to provide greater accessibility to pedestrians and mass transit commuters, the location of the proposed development will be accessed far more frequently by vehicular transportation. As a result, the applicant desires for the primary entrance to be oriented toward the parking lot rather than at the corner of two busy roads, West Oak Street and Dixie Highway. Furthermore, the applicant believes this location is much safer for its customer base. While a waiver is necessary, locating the entrance on the southwest corner of the building as opposed to the northwest corner should not negatively impact any of the adjacent property owners and, if anything, will help promote the safety of those who reside or work in the neighborhood. As a result, the requested waiver will not adversely affect the adjacent property owners.

As more fully set forth in the justification statement submitted with the proposed change in zoning, the requested waivers comply with the Cornerstone 2020 Comprehensive Plan. The proposed use is consistent with the Traditional Marketplace Corridor and the

Traditional Neighborhood Form Districts in that it is a single story building pulled up to the right of way at the corner of Dixie Highway and Oak Street and will offer a commercial use that serves the surrounding neighborhood. In addition, the subject property is in an activity center, with abundant commercial property nearby. The proposed development will provide a small right of way dedication for a new TARC stop near the corner. Further, the proposed development will provide a 24 foot public access easement just to the east of the current 15 foot alley location, providing better access for those using the alley system in the area. Finally, the proposed development will also provide sidewalks to allow for pedestrian access to the site from surrounding properties and the parking lot has been designed to allow for safe truck maneuvering and unloading, as well. For all of the foregoing reasons, the requested waivers will not violate the Cornerstone 2020 Comprehensive Plan.

The requested waivers are the minimum necessary to afford relief to the applicant because the proposal is for the development of a Dollar General store on a mostly vacant parcel of property. The proposed development will greatly benefit the neighborhood not only by redeveloping a long-standing undeveloped parcel of property, but also by providing a retail business that carries a variety of products that are used on a regular basis by those who reside in the neighborhood. Finally, in order to develop the site as proposed in a cost efficient manner, while also providing sufficient parking, appropriate access, and greater mobility for vehicular maneuvering, the requested design waivers are required.

Absent the requested waivers, the applicant would be deprived of the reasonable use of the land. The applicant is committed to developing a retail store that carries a variety of products that are used on a regular basis by those who reside in the neighborhood. However, in order to develop this store in a cost effective manner and do so while also providing sufficient parking, appropriate access, and greater mobility for vehicular maneuvering, the requested design waivers are required. Therefore, the strict application of the provisions of each regulation would prevent the applicant from developing the property as proposed.

For the foregoing reasons, the applicant respectfully requests approval of the waivers of Section 5.6.1.C and Section 5.5.A.1.b of the LDC in order to reduce the percentage of wall surfaces at street level that consist of clear glass and doors to below 50% and for the primary entrance of the proposed development to be located at the southwest corner of the building as opposed to the northwest corner.

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WAIVER JUSTIFICATION STATEMENT
SC DEVELOPMENT, LLC
1201 Dixie Highway, 1772 and 1774 Oak Street
14ZONE1029

September 18, 2014

SC Development, LLC is applying for a change in zoning for two parcels of property currently zoned R-7 along Oak Street, just to the East of Dixie Highway. The overall development site includes commercially zoned (C-1) property at the southeast corner of Oak Street and Dixie Highway. The development also includes the proposed closure of an unnamed alley that runs north and south between the currently-zoned commercial section of the overall development and the property proposed to be rezoned. In conjunction with the rezoning request, the applicant is also requesting the waiver of Section _____ to allow for less than 75% animating features to be used on the east facade of the building.

The waiver will not adversely affect adjacent property owners. The property owner to the east is behind a relatively large landscape buffer and fence, which should help obscure the rear of the building. This side of the building is also internal to the site.

The waiver will not violate the Cornerstone 2020 Comprehensive Plan. The portion of the building that is affected is the loading area and is more than 50' from the adjoining property. Much of this area is taken up by landscaping and a significant privacy fence. The applicant is meeting or substantially meeting most of the design guidelines that apply to the subject property and building but cannot meet them all and still have a feasible project. The building is located on the site where appropriate; the applicant is dedicating an easement for a TARC stop; and tree canopy requirements are being exceeded—all of which demonstrate compliance with Cornerstone 2020.

The requested waiver is the minimum necessary to afford relief to the applicant. If the regulation was applied fully to the property, the proposed building would have four "fronts": the frontages along Dixie Highway and Oak Street, the front facing the parking area and the front facing the property to the east. The applicant is merely seeking relief in order to have a loading area.

The strict application of the regulations would deprive the applicant of the reasonable use of the land. The subject property is already challenged due to the variety of other design regulations that apply to it.

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PARKING DESIGN WAIVER JUSTIFICATION STATEMENT

SC DEVELOPMENT, LLC

1201 Dixie Highway, 1772 and 1774 Oak Street

14ZONE1029

The applicant, SC Development, LLC ("SC") is proposing to develop a Dollar General store at the Southeast corner of Dixie Highway and Oak Street. The proposed development plan calls for the building to be pulled up to the corner of the intersection. Because of the size of the building and the frontage along Dixie Highway, 42% of that frontage is parking area, above the 40% maximum allowed without a street wall. SC is requesting this waiver to allow for the parking to be provided without the street wall.

The requested waiver will not adversely affect adjacent properties. There are no street walls in the immediate area, so there is no design context being disturbed. And the overall development will be a positive for this intersection. The proposal includes green infrastructure, an easement for a TARC stop adjacent to the building and a 24' access easement to replace the alley that is proposed to be closed. Therefore, adjacent properties should not be negatively affected in any way by the lack of a street wall.

The requested waiver will not violate the Cornerstone 2020 Comprehensive Plan. The property is being redeveloped with a neighborhood-serving retail use, and the site is being designed to meet many of the site design requirements in the Land Development Code. In this instance, providing the street wall will be problematic as there is a relatively significant grade change from Dixie Highway into the property. The area along Dixie Highway will also be landscaped.

The extent of the waiver is the minimum necessary to provide relief in this case. SC is proposing a very active on-street design to the proposed building, including an entrance on the corner of the parking area and Dixie Highway and an easement for a TARC stop. These design elements meet the intent of the Traditional Marketplace Corridor and Traditional Neighborhood Form Districts even without the wall.

The strict application of the site design standards would deprive SC of the reasonable use of the subject property. SC has worked with the staff to create a building and site design that meets the intent of the site design standards to a large extent. The building will be pulled up to the corner, and transit access in the area will be enhanced. SC is also providing tree canopy where it is needed and using green infrastructure for drainage. But the street wall, given the grade difficulty and the large amount of landscaping proposed, should be waived.

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14 ZONE 1029

AMENDED LANDSCAPE WAIVER JUSTIFICATION STATEMENT

SC DEVELOPMENT, LLC

**1201 Dixie Highway, 1772 and 1774 Oak Street
14ZONE1029**

October 22, 2014

SC Development, LLC is applying for a change in zoning for two parcels of property currently zoned R-7 along Oak Street, just to the East of Dixie Highway. The overall development site includes commercially zoned (C-1) property at the southeast corner of Oak Street and Dixie Highway. The development also includes the proposed closure of an unnamed alley that runs north and south between the currently-zoned commercial section of the overall development and the property proposed to be rezoned. In conjunction with the rezoning request, the applicant is also requesting the waiver of Section 10.2.4 of the Land Development Code ("LDC") to reduce the 10 foot landscape buffer area ("LBA") to 4.6 feet along the south property line. The applicant is also seeking a waiver of Section 10.2.12 to have more than 120' between interior landscape areas ("ILAs") within the proposed off-street parking area and to eliminate those on the western end of the parking area in favor of providing LBA's in the same place. For the reasons stated herein, the requested waivers comply with the Cornerstone 2020 Comprehensive Plan and the criteria for granting waivers and, therefore, should be approved.

The requested waiver for distance between ILAs within the parking area of the subject property will not adversely affect the adjacent property owners. Although a greater distance is provided adjacent to the proposed building, the distance requirement is met along the south property line and both ILAs are within 120' of the perimeter landscape area along the south property line. Additionally, the elimination of the ILA in favor of the LBA on the western end of the parking area will allow for a development similar to those on surrounding properties.

The requested waiver along the south property line will not adversely affect the adjacent property owner. The landscape buffer to the south adjacent to the church will range between 4.6 and 6.4 feet along the property line but a significant tree canopy, one in excess of the requirements set forth in the LDC, will be provided. In addition, interior landscape areas will be incorporated to further reduce the impact the proposed development will have on the adjacent property owner.

As more fully set forth in the justification statement submitted with this application for a change in zoning, the requested waivers comply with the Cornerstone 2020 Comprehensive Plan. The proposed use is consistent with the Traditional Marketplace Corridor and the Traditional Neighborhood Form Districts in that it is a single story building pulled up to the right of way at the corner of Dixie Highway and Oak Street and will offer a commercial use that serves the surrounding neighborhood. In addition, the subject property is in an activity center, with abundant commercial property nearby. The proposed development will provide a small right of way dedication for a new TARC stop near the corner. Further, the proposed development will provide a 24 foot public access easement just to the east of the current 15

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foot alley location, providing better access for those using the alley system in the area. Finally, the proposed development will also provide sidewalks to allow for pedestrian access to the site from surrounding properties and the parking lot has been designed to allow for safe truck maneuvering and unloading, as well. For all of the foregoing reasons, the requested waivers will not violate the Cornerstone 2020 Comprehensive Plan.

The requested waivers are the minimum necessary to afford relief to the applicant because the proposal is for the development of a Dollar General store on a mostly vacant parcel of property, one that currently contains no existing interior landscaping or buffers. As a result, the applicant will provide the required most of the required number of ILAs, which will only serve to benefit the surrounding neighborhood. Furthermore, the proposed development incorporates a tree canopy in excess of the requirements set forth in the LDC. Finally, in order to develop the site as proposed while providing sufficient parking, appropriate access, and greater mobility for vehicular maneuvering, the requested landscape waivers are necessary.

Absent the waivers the applicant would be deprived of the reasonable use of the land. The applicant is committed to developing a retail store that carries a variety of products that are used on a regular basis by those who reside in the neighborhood. However, in order to develop this store in a cost-effective manner and do so while also providing sufficient parking, appropriate access, and greater mobility for vehicular maneuvering, the requested landscape waiver is required. Therefore, the strict application of the provisions of the regulation would prevent the applicant from developing the property as proposed.

For the foregoing reasons, the applicant respectfully requests approval of a waiver of Section 10.2.4 of the LDC to reduce the required LBA along the south property line from 10 feet to 4.6 feet and waivers from Section 10.2.12 of the LDC to allow one of the ILAs to be more than 120 feet from another ILA and to allow for the elimination of two ILA's in favor of providing LBA in the same area.

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