

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?

No, the landscape buffer area that has been established by previous cases on this site will remain. All planting and screening requirements will be met. These L.B.A.'s are abutting rights-of-way so adjacent property owners will not be adversely affected.

2. Will the waiver violate the Comprehensive Plan?

No, the waiver will not violate the comprehensive plan.

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

Yes. The applicant is only asking that the existing landscape buffer areas that have been established through previous development plans and landscape plans remain unchanged. This request is the minimum necessary to provide the applicant's desired parking addition.

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?

Yes, the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land. The applicant needs more parking on-site and also wants to separate vehicular traffic from semi-truck traffic entering the loading docks. Strict application of this regulation would deprive the applicant of that opportunity. Also, the existing parking lot design is based off of the existing LBA's that were established through previous development plans, and by increasing that LBA, the existing parking lot would be in violation and/or the applicant would be deprived of a congruent parking lot design.