

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?**

There are no natural resources on this site that require preservation. A landscape plan shall be required and implemented as part of the construction approval process.

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

Safe and efficient access shall be provided to serve this development and the community. The site has frontage on 2 roads, Old Henry Road and Terra View Trail. Sidewalks will be provided along each and vehicular traffic limited to Terra View Trail.

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

The provision of open space is not a requirement for this development.

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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?**

Provisions for adequate drainage facilities shall be met as indicated by the requirement for review and approval of these 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?**

The site is zoned C1 commercial and located in the Suburban Workplace form district and as such this use is appropriately located. The site design, including building orientation, parking and screening proposed shall comply with the local regulations and guidelines.

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

The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to the requirements of the Land Development Code.

15DEVPLAN1120

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?

The waivers will not adversely affect the adjacent property owners as similar waivers were requested on the adjacent lot to the east and developer will still be able to plant required material to provide a buffer. Also since the right of way of Old Henry Road is so unusually large the reduction in the parkway buffer will be offset with the extra-large verge area.

2. Will the waiver violate the Comprehensive Plan?

This development will not violate the Comprehensive Plan because the proposal is compatible in scale and intensity to the adjacent development, appropriate plantings and buffers will be provided, and since the existing extensive verge on Old Henry Road will maintain the intent of the parkway.

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

The request is the minimum necessary to afford relief to allow the applicant to provide appropriate parking to serve this development.

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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 regulation to not allow a greater than 50% overlap of the utility easements and to reduce the Parkway buffer would create an unnecessary hardship since the required plant materials can be provided and since a similar waiver has been approved on the adjacent site as part of 14DEVPLAN1049 for both of these situations.

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