

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission 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.

Waiver of Section 5.2.1.C, 5.5.1.B.1.b, and 5.6.2.G.3 to waive the first-floor retail/office use for the existing parking garage façades.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because no proposed changes are being made to the existing parking garage located in the upper levels of the building, with the façade proposed to be brought further into compliance with the street wall dimensional standards through the one-story additional street wall. The requirement for the first floor to be retail or office use is designed to keep an active and engaging first floor in the downtown area, which the proposed use will certainly accomplish even if not meeting the technical use requirement. In sum, the parking garage located in the building will be brought further into compliance with the proposed development than currently exists thereby not adversely affecting neighboring property owners.

2. The waiver will not violate the Comprehensive Plan because this is a renovation of an existing bank office building with parking garage, such that the only new 2040 Plan Guidelines and Policies of consequence are those pertaining to use, building design and added street trees, etc. that are being greatly improved as shown on the development plan which has already been approved by the Downtown Development Review Overlay.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the property is being brought closer to compliance with the dimensional aspects of the Land Development Code and the proposed use will serve to create an active and engaging first floor store front.

4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would prohibit the proposed use as not being retail or office and the cost of bringing the existing

parking garage on the second floor into compliance would be cost prohibitive. Further, the site building design, sign, street trees, etc. were all approved by the Downtown Development Review Overlay and will be a significant improvement to the building.