

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.

Waiver of: 10.2.11.B to allow the ILAs to exceed the maximum 120 ft

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this is a new development of a currently vacant site previously proposed for commercial retail development and now proposed for an upscale apartment community. The few places that the plan has parking exceeding 120 feet are minor and will be offset by additional landscaping and ILAs in other areas on the plan. Even though all the ILAs, like the LBAs along property lines, cannot be satisfied, added trees and landscaping will be provided in areas that do not need to be devoted to parking, as adequate parking is essential for an adaptive reuse of this vacant site with an apartment community of sufficient size to justify same.
2. The waiver will not violate the Comprehensive Plan because Guideline 13 of the Comprehensive Plan requires adequate landscaping, whereas Guideline 6 encourages economic revitalization of underutilized sites. As stated above, all ILAs and LBAs are provided that can be provided, and what is missing or is under-sized can be enhanced with additional landscaping.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant needs sufficient parking to make this upscale apartment community a viable option for the site. The applicant has already located a large amount of the parking within the building footprints through first floor garage parking to free up space for additional ILAs. What this means is that the applicant is doing everything it can to landscape the site without making the new use unviable because of inadequate parking.
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 without these landscape waivers along these internal parking aisles, the applicant would not have adequate parking to serve its practical needs. The applicant is also very attuned to avoiding unsightly long parking aisles which will be necessary to achieve the rents needed for an upscale apartment project and will provide the additional landscaping to offset same.

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DESIGN SERVICES

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