

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 waiver request does not adversely affect adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

No. The intent of the comprehensive plan is still being met by meeting the requirements for interior landscape and tree canopy throughout the site. The applicant is requesting a waiver for the location of the landscape buffer area on the south of the site to overlap the unusually large 30' wide electric and telecom easement along Plantside Drive. The width of this easement allows room for both utilities and sufficient planting area to provide screening of the site from the public roadway. This request is similar to the adjacent site within the same development which was previously approved under Landscape Waiver Case #11215. The applicant is requesting a waiver to allow driveway encroachments and sidewalk within the 15' landscape buffer along the perimeter of the site. Canopy trees will be installed adjacent to the site entrances and the sidewalk which will still meet the minimum planting requirements while providing screening of the site from the public roadway.

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

Yes, it is the minimum necessary.

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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?

A) Interior landscape areas have been provided which far exceed the minimum requirements for the site. This will allow for additional trees than the minimum required to be planted within the parking lot which will vastly reduce the heat island effect for the site.
B) The strict application of Chapter 10, Part 2 would limit usable area on site to a point that the building would not have enough parking to meet the minimum parking requirements to accommodate the number of expected employees.

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