

JUSTIFICATION STATEMENT

4700 Westport Road, LLC

4700 Westport Road and 919 & 917 Fountain Avenue

INTRODUCTION

4700 Westport Road, LLC (the “Applicant”) proposes to re-zone the properties located at 4700 Westport Road and 919 & 917 Fountain Avenue from R-5 Residential to C-1 Commercial and re-develop the site into a 6,642 square foot single-story retail building. For the reasons set out below, the proposed rezoning complies with the applicable Plan Elements of the Plan 2040 Comprehensive Plan and the Detailed District Development Plan requirements.

COMMUNITY FORM

The proposal complies with the intent and applicable policies of the Community Form Plan Element. The subject property is located in the Neighborhood Form District, which the Comprehensive Plan states is a form that “may contain . . . at appropriate locations . . . neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods.” Here, the proposal is consistent with the Neighborhood Form district as it proposes an appropriately-scaled, single-story retail building that will serve the surrounding neighborhood. The proposal will return the site to its former commercial use. The parcel located at 919 Fountain Avenue is currently vacant and has been since the prior structures were demolished when Westport Road was widened approximately twenty years ago. Previously, the property was used commercially as a small grocery/market, liquor store, and later as a dry cleaners. The proposal is consistent with the current pattern of development, scale, and site design in the area, which features other similar retail developments along Westport Road, including the large commercial center at the intersections of Westport Road and Herr and Lyndon Lanes.

MOBILITY

The proposal complies with the intent and applicable policies of the Mobility Plan Element. The proposed development will be accessed via Fountain Avenue, a local road directly off of Westport Road. Direct access via Westport Road is unavailable and the site does not have access to Fenley Avenue to the east. The “alley” right of way to the east is not paved and cannot provide access to Westport Road because of its proximity to Fountain and Fenley Avenues. The site has easy access to the interstate system via I-264 to the west via Westport Road. The proposed development will provide a connection to the existing sidewalk along Westport Road and an internal sidewalk to the building entrance. The proposal includes adequate parking and vehicle maneuvering area.

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COMMUNITY FACILITIES

The proposed development complies with the intent and applicable policies of the Community Facilities Plan Element. The subject property is adequately served by all utilities, including water and sewer.

ECONOMIC DEVELOPMENT

The proposed development complies with the intent and applicable policies of the Economic Development Plan Element. The proposed use will create 6,642 square feet of new retail space on a site with frontage on Westport Road. The retail building will be appropriately-sized for the neighborhood and will return the property to its former commercial use. The parcel located at 919 Fountain Avenue is currently vacant, as it has been vacant for many years, but was previously used commercially as a small grocery/market, liquor store, and later as a dry cleaners. The subject site is near the large commercial center at Westport Road and Herr and Lyndon Lanes, and has good highway access via Westport Road and I-264 to the west.

LIVABILITY

The proposed development complies with the intent and applicable policies of the Livability Plan Element. The proposed retail building will be appropriately-sized for the neighborhood and impacts to the surrounding neighborhood will be limited. The site will be accessed from Fountain Avenue via Westport Road. Fountain Avenue is sufficiently wide to accommodate the limited amount of expected traffic. The parking lot will be screened from the residence to the south. The site is easily accessible via I-264 to the west. The proposed development will comply with the tree canopy sections of the LDC. The applicant will provide a connection to the existing sidewalk along Westport Road and an internal sidewalk to the building entrance.

HOUSING

The proposed development complies with the intent and applicable policies of the Housing Plan Element. The proposal provides for an appropriately-sized, neighborhood serving commercial use on property that was previously used commercially. As set forth above, impacts to the surrounding neighborhood will be limited.

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WAIVER JUSTIFICATION STATEMENT

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The proposed waiver to reduce the perimeter buffer required along the south property line from 35' to 20' will not adversely affect the adjacent property owner as the property owner to the south will be adequately screened from the proposed parking area by either fencing or a landscaped berm. Existing tree canopy between the subject property and the adjacent property to the south will remain.

The proposed waiver will not violate the Comprehensive Plan. The proposed development provides adequate buffering to the south. The residence of the adjacent property owner to the south sits approximately 50 feet from the proposed parking area, which will be adequately screened by either a fence or landscaped berm. The waiver will permit the applicant to construct a 6,642 square foot single story retail building.

The extent of the proposed waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant is proposing to construct the retail building on the north side of the property fronting on Westport Road, which requires the parking area to be located on the south side of the site. The parking area will be adequately screened by either a fence or landscaped berm.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as the waiver is the result of the incorrect application of the buffering requirements to the subject property. The applicant is proposing to provide adequate buffering to the adjacent property to the south.

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