

11905 Dixie, LLC

11905 Dixie Highway

Case No. 17ZONE1022

Statement of Compliance

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The subject property is bounded by Dixie Highway, an active railroad line, E. Orell Road and unimproved right of way. Much of the subject property is zoned C-2 and was the former site of a motel. The proposed development is for a "Fort Locks" self-storage facility. Self-storage facilities may be located in either the C-2 zoning district with the granting of a conditional use permit or in the C-M zoning district. The applicant proposes to rezone the property to C-M in order to rest enforcement authority on any approved plan solely with the Planning Commission. The applicant also proposes to change the form district on the subject property from Neighborhood to Suburban Marketplace Corridor. The location and surrounding uses make this site an ideal location for self-storage of the type proposed.

Guideline 1-Community Form

The proposed development complies with the intent of Guideline 1. Much of the site is already located in the Suburban Marketplace Corridor Form District, and the applicant proposes to include the entire site in that District as part of this application. The subject property was formerly a motel; now it is proposed as self-storage. The use will actually be lower intensity in terms of traffic, lighting and hours when impacts on adjacent properties could be felt.

Guideline 2-Centers

The proposed development complies with the intent and applicable policies of Guideline 2. The subject property is already located in a center around the intersection of E. Orell Road and Dixie Highway. The property to the north is an active rail line. The property to the south is a discount store. The properties north along Dixie Highway are commercial as well. The property will serve the large number of residential properties in the area, as well.

Guideline 3-Compatibility

The proposed development complies with the intent and applicable policies of Guideline 3. The proposed development will be compatible with the surrounding commercial and residential uses in that the buildings are single story and will be landscaped. The proposed development will also serve as a buffer between both the railroad line and Dixie Highway and the nearby residential uses. The applicant will provide on-site detention and dedicate right of way to Dixie Highway, contributing to public infrastructure in the area.

Guidelines 4-Open Space and 5-Open Space and Scenic and Historic Resources

The proposed development complies with the intents of Guidelines 4 and 5 because there is neither useable open space nor any scenic or historic resources on the subject property.

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Guidelines 7-Circulation and 9-Bicycle, Pedestrian and Transit

The proposed development complies with the intent of Guidelines 7 and 9. The proposed development will dedicate right of way along Dixie Highway and will provide adequate circulation within the storage facility. The applicant will provide required pedestrian access and bicycle parking on the subject property.

Guidelines 10-Flooding and Stormwater and 11-Water Quality

The proposed development complies with the intents of both Guidelines 10 and 11. The proposal, while increasing impervious surface on the subject property, will comply with all MSD regulations concerning water quantity and quality from the site.

Guideline 13-Landscape Character

The proposed development complies with the intent of Guideline 13. The applicant is seeking a landscape waiver adjacent to the active rail line but will provide landscaping along E. Orell and as required along Dixie Highway.

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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 waiver will not adversely affect adjacent property owners. The applicant has located the buildings adjacent to the railroad right of way and unimproved street right of way, both of which will provide the buffering function that the required LBA is intended to provide.

2. Will the waiver violate the Comprehensive Plan?

The requested waivers will not violate the Comprehensive Plan. The landscape buffer areas typically apply to sites that are directly adjacent to one another. Here, the residential properties being buffered are either an active railroad line or across unimproved, wooded right of way. In addition to these specific characteristics, the proposed use (self-storage) is one that is quiet and unobtrusive.

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

The extent of the waiver is the minimum necessary to grant the applicant relief. The proposed use of the subject property, together with the surrounding uses/conditions render these buffers unnecessary. The areas purportedly being buffered do not need any buffering, rendering the relief sought reasonable.

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 would require the applicant to buffer an active rail line and unimproved right of way from single story storage buildings, which would deprive the applicant of the reasonable use of its land.

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 waiver will not adversely affect adjacent property owners. The drive lanes around the buildings are adjacent to the unimproved street right of way which will provide the buffering function that the LBA would create.

2. Will the waiver violate the Comprehensive Plan?

The requested waiver will not violate the Comprehensive Plan. The transition standards typically apply to sites that are directly adjacent to one another. Here, the residential properties are either an active railroad line or across unimproved right of way. In addition to these specific characteristics, the proposed use (self-storage) is one that is quiet and unobtrusive.

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

The extent of the waiver will grant the applicant relief from a buffer that is completely unnecessary on this particular property. The areas purportedly being buffered do not need any buffering, rendering the relief sought reasonable.

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 would require the applicant to buffer an unimproved right of way from single story storage buildings, which would deprive the applicant of the reasonable use of its land.

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 waiver will not adversely affect the adjacent non-residential property. The adjacent property has access to both E. Orell Road and Dixie Highway, which access will remain. Because of the nature of the storage use, there should be no need for circulation between the two properties.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the comprehensive plan. Unlike general commercial uses, storage uses require controlled entry points, which the applicant proposes on Dixie Highway. Allowing circulation between the two properties could create security issues for the storage use.

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

The extent of the waiver is the minimum necessary to grant the applicant relief. The proposed use of the subject property, together with the surrounding uses/conditions render access between the adjoining properties unnecessary.

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 would require the applicant to provide circulation with a property that already enjoys roadway access. Further, allowing circulation between the two properties would create a security issue for the proposed storage use.

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment 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. Explain how the variance will not adversely affect the public health, safety or welfare.

The variance will allow the construction of storage buildings adjacent to the railroad right of way on the north side of the subject property. The buildings should not be visible on the other side of the railroad, nor should they otherwise impact any other property.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance will not alter the essential character of the general vicinity but will allow for storage buildings to be built in a yard that serves no purpose adjacent to an active railroad line. The encroachment will not affect the development of any other site.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not cause a hazard or nuisance to the public, as it will be in part of the site that is not open to the public nor visible from any public spaces.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance is appropriate in this case because the buffering function of the required yard is not necessary next to a railroad line.

Additional consideration:

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The special circumstance present in this case is the presence of a railroad line that is zoned R-4, creating a yard requirement where one is not needed.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The strict application of the provisions of the regulation would require the applicant to keep open a yard adjacent to railroad right of way that serves no purpose.

7. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The circumstances are the result of the railroad line being higher than the land surrounding it and being zoned R-4, which creates the setback.