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WAIVER JUSTIFICATION

**Renaissance South Business Park – Tracts 15 & 17
19-CAT3-0016
September 17, 2019**

The applicant is requesting a partial waiver of **LDC 5.6.1.B.1.a** to provide only a portion of the specific animating features requested on the primary façade in the Suburban Workplace Form District.

This regulation provides 4 specific methods of compliance as follows:

- i. Transparent doorways and entry areas that allow a view into the building; measures to control sunlight are specifically authorized;*

The building elevations illustrate that this option is being complied with along 133 linear feet (11%) of the façade where the 4 glass entry points are located.

- ii. Display windows open to the store interior with a minimum height of eight feet and having a maximum sill height of two feet (retail uses);*

This is not a retail use, so this option is not applicable.

- iii. Windows that comprise at least 50% of the area of the ground floor façade (office uses);*

This is not an office use, so this option is not applicable.

- iv. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This requirement shall be in addition to trees required in parking lot interior landscape areas.*

In discussions with the applicant, it was determined that this option is not feasible due to (1) the limited space between the building and the sidewalk (5.5 to 9 feet), and (2) the maintenance issue trees in close proximity to the building can produce, including foundation and sidewalk damage.

The building will meet the requirements of 5.6.1.B.1 for animating features with changes in plane, materials, and colors, and 4 glass entry points along the primary façade. The 4 clear entry areas represent 11% of the façade, making this a partial waiver of only “item a” for the other 49%.

In order to mitigate this request, the applicant proposes an 80% increase in trees provided in the VUA landscape buffer area along South Park Drive. This includes the 31 trees that are required per LDC 10.2.11 along with 25 additional trees that represent 1 tree per 50 linear feet of the entire building façade. This represents more trees than would be required along the façade since a portion of the façade is meeting the requirements of this part with clear entries and windows at the office entrances.

The 23 required trees in the ILA areas will also primarily be located between South Park Road and the building façade, further screening the building from the street.

With regard to the specific waiver justification, please note the following:

1. Will the waiver adversely affect adjacent property owners?

No. The waiver will not affect adjoining property owners because the intent of the regulation is being met by increased planting in the landscape buffer between the road and the parking area. In addition, the developer of the business park owns all property directly across South Park Road from the subject site.

2. Will the waiver violate the Comprehensive Plan?

No. The waiver will not violate the Comprehensive Plan because the intent of the regulation is being met with increased planting in the landscape buffer between the road and the parking area.

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

Yes. The applicant is providing clear entry areas at each of the 4 office locations on the building, making this only a partial waiver. Due to the nature of the proposed warehouse/distribution use, it is impractical to provide windows or clear entries along the remainder of the façade. In addition, based on the applicant's years of experience, planting trees in such close proximity to the building would cause a maintenance hassle and would prevent the full growth of the tree canopy. By planting the trees in the landscape areas within and exterior to the parking lot, the trees will provide a denser and more effective screen than if they had been planted adjacent to the building.

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 applicant is proposing an 80% increase in trees within the required VUA buffer to mitigate this waiver request. By planting these trees away from the building and giving them more area for their roots to grow, trees will provide a denser and more effective screen than if they had been planted adjacent to the building.

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