

WAIVER JUSTIFICATION STATEMENT

UPS Centennial Hub Expansion Renaissance South Business Park 8100 AIR COMMERCE DRIVE

May 9, 2016

UPS is applying for an expansion of their Centennial Hub at the Renaissance South Business Park. As you know, chapter 5.12.2 of the Metro Land Development Code (LDC) requires an amenity area equal to 10% of the building footprint for this site. For this particular project, 127,765 square feet of amenity area would be required (2.9 acres). This regulation is appropriate for true mixed uses where residential and retail/shopping is present. For a large warehouse / distribution facility, this standard appears excessive, requiring acres of property reserved for relatively light use by employees.

Therefore, the applicant is asking for a waiver of LDC Chapter 5.12.2 to allow 4,891 square feet of amenity area, which is equal to 10% of the office square footage shown on the plan. This amenity area will consist of landscaping and an outdoor patio area for employees and is shown near the conservation and restoration agreement area on the east side of the plan.

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

1. ***Will the waiver adversely affect adjacent property owners?***
 - A. No. This waiver is interior to the Renaissance South Business Park and will have no bearing on adjacent property owners. Similar waivers have been approved for the Dermody facility on Tract 4, the Verus facilities on tracts 5A & B, and the Northpoint facility on tract 6.
2. ***Will the waiver violate the Comprehensive Plan?***
 - A. No. An amenity area will still be provided to serve the employees of this building, but at a reduced size that is more appropriate for the larger warehouse use, so it will not violate the Comprehensive Plan.
3. ***Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?***
 - A. Yes. According to the regulation, the applicant would be required to provide 2.9 acres of amenity area. Instead, the applicant proposes 4,891 square feet of amenity area, equal to 10% of the proposed office space. This is more appropriate given the size of the building and the nature of the proposed use.
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 land or would create an unnecessary hardship on the applicant?***
 - A. The strict application of the regulation would require the applicant to provide a significantly larger amenity area that would be disproportionate to the number of employees that this facility will likely have. In addition, carving out a 2.9 acre area of land for amenity space adjacent to the building would compromise efficient truck loading and maneuvering capability essential to this type of business. This would, therefore, create an unnecessary hardship on the applicant.

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