

RECEIVED

JUL 07 2014

PLANNING &  
DESIGN SERVICES

**STATEMENT OF COMPLIANCE WITH APPLICABLE GUIDELINES &  
POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN**

Owner - Applicant: Thompson Brothers Plumbing LLC  
Location: 436 Roberts Avenue  
Proposed Use: Plumbing Business

**SUMMARY STATEMENT**

This proposal is for a change in zoning from R-4 to C-2 of an existing 0.45 acre property at 436 Roberts Avenue. Approval of this proposal will permit the subject property to continue to be utilized as an office and shop for the Thompson Brothers Plumbing Business which has operated at this location since 2007. Two buildings are currently located on the site; a former house presently utilized as the office, and a metal building constructed last year that is used to store supplies for the business. Another matching metal building is being proposed to provide additional storage as well as some contractors shop functions.

The primary business use of this site is to serve as dispatching office for plumbers who are working independently at job locations throughout the metro and most of whom only visit this office location three or four times a year. There is no showroom or retail operation on site so customer visits are limited to occasional trips for bill payments.

Given its location among a mix of other service oriented businesses on Roberts Avenue and because it will allow the improvement of an existing operation, this zoning change for this purpose at this location is appropriate.

**GUIDELINE 1 – COMMUNITY FORM**

The subject property is located in the Traditional Neighborhood Form District on Roberts Avenue where both commercial and industrial uses have already been mixed in with residential uses. This proposal would be similar in appearance and operation to other uses on the street. Additionally, this particular property is located near the Southside Drive commercial corridor and also backs up to the larger Kenwood Business Center currently under development.

14ZONE1009

RECEIVED

JUL 07 2014

PLANNING &  
DESIGN SERVICES

**GUIDELINE 3 – COMPATIBILITY**

The intent and policies of this guideline are, among other things, “to ensure that new development is appropriate in scale, design, and materials along with measures to mitigate potential impacts of the development.

This proposal preserves the house which is the most visible building from Roberts Avenue. The metal building which was constructed last year and the proposed metal building are sited perpendicular to and are less visible from the street. This proposal maintains an 8’ wood fence to screen the vehicular area from adjacent residential properties and preserves the existing vegetation along the rear and side property lines. No site lighting is proposed.

**GUIDELINE 6 – MARKETPLACE**

This guideline encourages the redevelopment, rehabilitation and reinvestment in declining neighborhoods and older industrial areas that is consistent with form district guidelines.

This proposal is all about improvement of an existing property and is in keeping with the transformation of Roberts Avenue into a mixture of residential and commercial uses. The proposal allows the expansion of the business but not to a level beyond that of other service oriented businesses along Roberts Avenue.

**GUIDELINE 7 – MOBILITY / TRANSPORTATION, ALTERNATIVE MODES OF TRANSPORTATION AND AIR QUALITY**

The intent and policies of these guidelines are to provide for safe and proper functioning of the street network that does not exceed carrying capacity of streets, to promote efficient internal and external circulation of all new development, and to ensure transportation facilities that are safe, efficient with attention to air quality and which minimize impacts upon the community and that accommodate alternative modes of transportation and the needs of the elderly and handicapped.

Thompson Brothers Plumbing under its current operation or with the minor expansion in this proposal does not generate many vehicular trips to the site. Adequate parking for staff and occasional visitors will be provided in conformance with the development code.

In accordance with the staff review a 5’ concrete sidewalk is proposed to be constructed across the properties frontage.

14Z0NB1009

Air Pollution Control District has assessed the project and has determined that the proposed addition will not have an adverse air quality impact on the National Ambient Air Quality Standard for carbon monoxide.

**GUIDELINE 10 – LIVABILITY/ENVIRONMENT AND LANDSCAPE CHARACTER**

The intent and policies of this guideline are to mitigate potential impacts to the drainage systems as well as to protect and enhance landscape character by protecting woodlands and ensuring appropriate landscape design for different types of land uses.

The existing drainage pattern is best characterized as sheet drainage to a roadside ditch to the north will be unaffected by this development as no earthwork is proposed. The impacts of the increase in runoff from the new construction will be mitigated by two small interconnected raingardens.

A number of deciduous trees have been preserved along the property lines both on and just outside the subject tract. This existing vegetation serves to buffer the neighborhood from larger industrial uses to the south.

The application complies with all other relevant and applicable guidelines of the Cornerstone 2020 Comprehensive Plan.

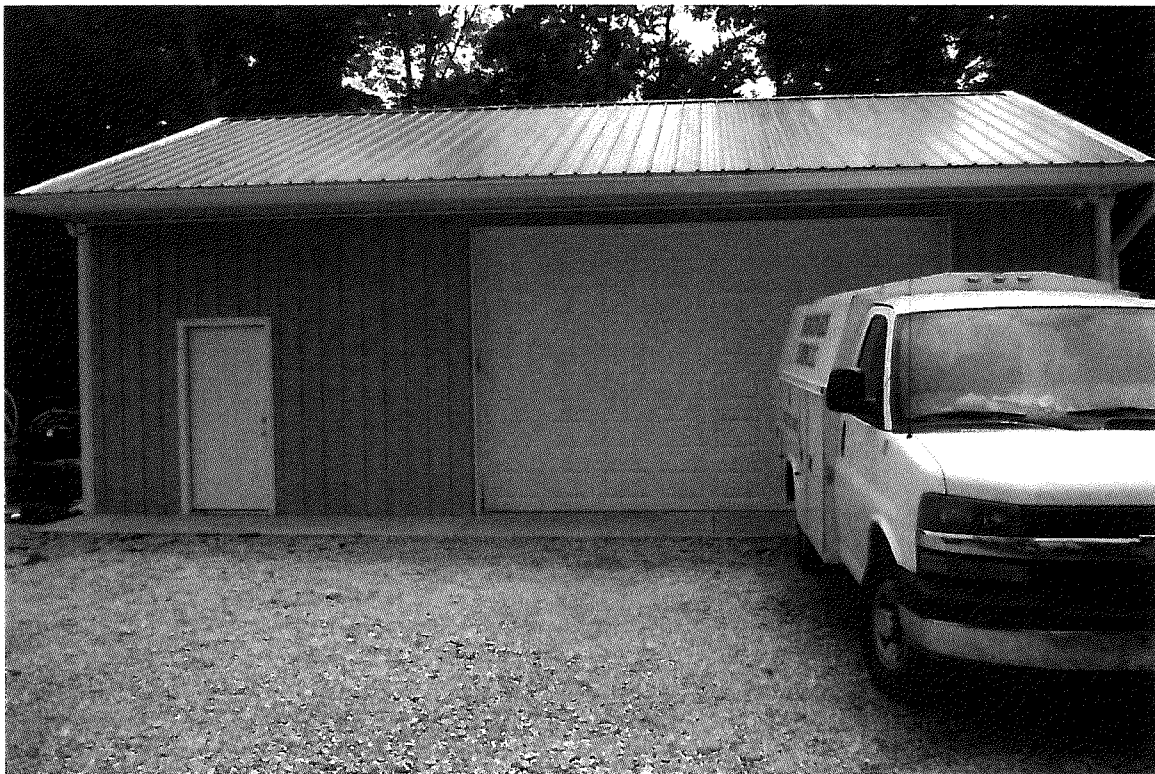
( See supplemental photographs attached )

RECEIVED

JUL 07 2014  
PLANNING &  
DESIGN SERVICES

14Z0NE1009

Side Elevation



Front Elevation

Proposed metal shop building to match existing metal storage building.

**RECEIVED**

AUG 25 2014  
PLANNING &  
DESIGN SERVICES

**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 proposed building will not be even visible from the street, plumbers shop activities are neither noxious, or loud or otherwise obtrusive.

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

The neighborhood is comprised of a mix of residential and commercial building without any typical setback from the street, this proposal will not be a deviation from the norm.

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

The proposed building will be behind the existing buildings within a largely private fenced in area, which is appropriate for its purpose as a plumbers shop.

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

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations as it is appropriate to its surroundings.

RECEIVED

AUG 25 2014

PLANNING &  
DESIGN SERVICES

*Additional consideration:*

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

The variance arises from a need for an expansion of shop space for the business, while an addition to the existing house/office would be useful for an expansion of office space.

**2. 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 regulation would require the construction where the location would not be conducive to truck access and would obviate the future possibility of an office expansion.

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

No the applicant is merely trying to plan out the future growth of its business on existing narrow lot.

**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 property is surrounded by a long vacant property on one side, a recent constructed major warehouse project to the rear and a residential property that was used as an upholstery shop until the owners recent retirement on the other side.

**2. Will the waiver violate the Comprehensive Plan?**

No the applicant has an existing 6' wooden fence in place that will screen the developed part of the property from adjacent uses thus meeting the intent of the Comprehensive Plan.

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

Yes the request is only to allow the applicant existing site development to remain in place.

RECEIVED  
AUG 25 2014  
PLANNING &  
DESIGN SERVICES

**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?**

Yes the applicant already has in place a wood fence that compensates for the missing landscape buffer – while if in fact the landscape buffers were required they would consume 30' of an 80' wide lot.