

**District Development Plan Justification:**

In order to justify approval of any district development plan, the Planning Commission 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. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

There is an existing large tree mass on the south 3rd of the property, but this area was approved for development by case #14ZONE1005 and there is no significant change from that plan other than the new building construction. Tree canopy requirements of the LDC will be provided on the site.

- 2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Safe and efficient vehicular and pedestrian transportation within the development shall be provided. Pedestrian access is not provided to the right of way/community since this is a secure facility and somewhat remotely located.

- 3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

No open space is required for this proposal

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- 4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

This proposal does not increase the amount of impervious surface above what has already been approved for this site. The applicant shall coordinate with MSD for review and approval of its drainage system.

- 5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

The proposal is compatible, as it is properly located in the Suburban Workplace Form District with like developments. The site is surrounded by other industrial and some commercial & office uses. No changes are proposed in the screening on the portion of the site addressed in case #14zone1005.

- 6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

With the exception of a possible waiver regarding pedestrian connection, the proposal is in conformance with the Comprehensive Plan and Land Development Code requirements. All setbacks, building heights, buffer areas and other requirements shall be respected.

**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 land owners as all currently operate with existing direct vehicular access off Middletown Industrial Blvd or N English Station Road and 4 currently share access with this facility off either Welker Way or Equity Place. Like Auto Truck, and typical of industrial uses, most of these businesses would not desire the connection in favor of a more secure facility and reduced traffic through their operation. Most of the adjacent developments do not provide sidewalks along their own roadway frontage, nor does the operation of these businesses typically encourage pedestrian traffic thru them.

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

The waiver will not violate the Comprehensive Plan as appropriate vehicular connections are available for this and the surrounding businesses and this site will provide a sidewalk from the bldg. to and along its Middletown Industrial Blvd frontage. In addition, this site currently provides vehicular connections/access to 4 adjacent lots with existing private access easements on the site. Two lots west of the site utilize Welker Way and 2 lots southwest of the site utilize Equity Place for vehicular access.

**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 afford relief as this development already provides shared access with 4 adjacent lots and since these primarily industrial uses will receive no benefit from additional pedestrian connections. It would be a burden to provide more connections and not possible to provide open vehicular access to portions of the site that need to be secure for this facility to function properly.

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**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?**

Given the existing vehicular connections already provided and that the applicant will provide a pedestrian connection and sidewalk along its Middletown Industrial Blvd frontage, the strict application of the regulation would deprive the applicant of the reasonable use of the land. In addition, for Auto Truck to function properly a secure facility is required and it would be an unnecessary hardship to provide unnecessary pedestrian connections to all of the 18 adjacent businesses.

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