

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

Owner - Applicant: Derby Auto LLC  
Location: 5010 Poplar Level Road  
Proposed Use: Auto Sales & Repair

**SUMMARY STATEMENT**

This proposal is for a change in zoning from C-1 to C-2 of an existing 0.41 acre property at 5010 Poplar Level Road. The Applicant currently operates a convenience store on the property immediately to the south of this tract and recently purchased this property with the intent of replacing the existing auto repair business with a new business combination of auto repair and sales.

Two buildings are currently located on the site; a former gas station building presently utilized by a leasor for an auto repair business and a separate small structure that has been vacant in recent years. That building is being proposed for use as the office for the auto sales business. Aside from minor modifications to site improvements, no new construction is being proposed.

Given its location along a Suburban Marketplace Corridor among other auto sales and service oriented businesses and because it will constitute an improvement of an existing operation, this zoning change for this purpose is appropriate.

**GUIDELINE 1 – COMMUNITY FORM**

The subject property is located in the Suburban Marketplace Corridor Form District in an area where an assortment of other commercial and industrial uses line the highway.

The proposal does not represent any change to the existing community form, while hopefully bringing an improvement in appearance and vitality to the neighborhood.

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### **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 existing buildings on site. Additionally, this proposal preserves the existing vegetation along the rear property lines and preserves existing chain link fencing to screen the sales lot from adjacent residential properties. No freestanding sign or 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 will allow the owners of a successful convenience store operation to expand their business in the neighborhood by improving and expanding the auto related business that has existed next door.

### **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.

The highway department has requested and the applicant has agreed to remove one of two access drives to the property

A concrete sidewalk exists across the properties frontage.

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.

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**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 which is best characterized as sheet drainage to the west will be unaffected by this development as there will be a reduction in impervious surface as proposed.

A number of young deciduous trees have been preserved along the back property lines of this small commercial tract. This existing vegetation serves to buffer the impact of the facility from adjacent apartment complex.

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

( See supplemental photographs attached )

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**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 pavement area for which the variance is required already exists.

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

There will be little change in the existing condition.

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

The area in question is fenced so that the public has no access to this area.

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

The variance will only allow an existing area of pavement to remain.

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*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).**

This variance arises from the application of new regulations to a development that has existed in excess of 40 years.

**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.**

Strict application of the regulation would significantly reduce the usable area of the site, making the new use proposed not feasible.

**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

**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 adjacent apartment complex is already well screened by existing vegetation within the proposed 15' buffer area.

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

No the existing 15' buffer area protects the neighbors from the impact of the commercial operation.

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

Reducing the LBA to 15' will allow the applicant to preserve most of the existing pavement making for less expense, less site disturbance, and improved business operations.

**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 has taken measures to preserve the existing vegetation separating the apartment complex from the commercial property.

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