

# Development Review Committee

## Staff Report

December 2, 2015



<b>Case No:</b>	15DEVPLAN1146
<b>Project Name:</b>	VU Connection
<b>Location:</b>	213, 217, 219, 221, 227, & 229 East Breckinridge Street
<b>Owner(s):</b>	George Stinson, VOEB & TMTS LLC
<b>Applicant:</b>	Owner
<b>Representative:</b>	John Miller, Miller Wihry
<b>Project Area/Size:</b>	1.11 acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

### REQUEST

#### Category 3 Development Plan

##### **Waiver #1: Parking**

Waiver from the Land Development Code, Section 5.5.1.A.3, to allow the parking to be located in front of the building.

##### **Waiver #2: Screen Wall**

Waiver from the Land Development Code, Section 5.5.1.A.3.a, to eliminate the required 3' wall along the perimeter of the parking lot.

##### **Waiver #3: Vehicle Use Area Landscape Buffer Area (VUA LBA)**

Waiver from Land Development Code, Section 10.2.10, to eliminate the 5' VUA LBA adjacent to the alley.

##### **Waiver #4: Interior Landscape Area (ILA)**

Waiver from Land Development Code Section 10.2.12 to not provide the ILA areas in the parking spaces, adjacent to the alley, at the rear of the building.

##### **Waiver #5: 50% Clear Doors and Windows**

Waiver from Land Development Code Section 5.6.1.C.1, to allow the front façade to be less than 50% clear doors and windows.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

This Category 3 Development proposes demolition of the rear portion of an existing building to construct a 16,012sf banquet facility with an 852sf patio on seven consolidated parcels on the north side of East Breckinridge Street. This site is zoned C-2 in the Traditional Neighborhood Form District. This development is part of a complex of buildings, The Village, with mixed uses encompassing the area north of Breckinridge Street, south of the alley, and between Brook and Floyd Streets. Proposal includes the construction of 55 parking spaces west of the building; 14 spaces at the rear of the building; and 7 spaces east of the building

(including 2 motorcycle spaces). Access to the parking is proposed from two new entrances off East Breckinridge Street and from the rear alley. An addition 39 valet parking spaces are proposed on an adjacent parcel north of the development. The site is surrounded by an existing 6' aluminum fence. Additional tree and shrub plantings will be provided to fulfill the perimeter and interior landscape requirements along with fulfillment of the tree canopy requirements.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

The site is zoned C-2 in the Traditional Neighborhood (TN) Form District. It is surrounded by C-2 zoned property in the Traditional Neighborhood (TN) Form District.

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Vacant	C-2	TN
<b>Proposed</b>	Banquet Facility	C-2	TN
<b>Surrounding Properties</b>			
<b>North</b>	Hotel/Spa/Parking/ Catholic Church	C-2	TN
<b>South</b>	Salvation Army/ Dawson Orman Education Center	OR-2	TN
<b>East</b>	Baptist Church	C-2	TN
<b>West</b>	Motel/Vacant/	C-2	TN

**PREVIOUS and CURRENT CASES ON SITE**

- 13WR1087** Demolition of a multi-family 3 story structure. Issued 9/13
- 13WR1088** Demolition of a multi-family 3 story structure. Issued 10/13
- 13WR1089** Demolition of a multi-family 3 story structure. Not Issued
- LE965445** Sewer connection for theater, bar, and dance facility. Completed 11/16/2015

**INTERESTED PARTY COMMENTS**

Inquiries were received concerning the development; both were not in favor of granting approval.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR CATEGORY 3 DEVELOPMENT PLAN**

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The proposal reuses a portion of the existing historic building located on the subject site along with the existing trees along the front perimeter. Addition trees are to be planted to meet the tree canopy, interior and perimeter requirements of the development.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The proposal does provide an 852sf outdoor patio facility which is surrounded by a brick wall within the development.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: Buildings and parking lots will meet all required setbacks. The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways, except for the waivers being requested to not provide the screening and interior landscape area in the rear parking area adjacent to the alley.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

### Waiver #1: Parking

Waiver from the Land Development Code, Section 5.5.1.A.3, to allow the parking to be located in front of the building.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the proposal will be adding screen plantings in front of the proposed parking lot to reduce impact. Plus existing trees are located between the building and the street which also reduces the impact.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver does not violate specific guidelines and policies of Cornerstone 2020. The location of the parking is mitigated through the addition of the buffer plantings to be provided along the sidewalk edge. Plus the proposed fencing also mitigates the impact of the parking spaces.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since screen plantings and tree plantings are to be provided between the street and the parking area to lessen the impact of the parking in front of the building.

- (d) Either:  
(i) The applicant has 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  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. These parking spaces are necessary to meet the parking requirements. The applicant is providing screening to reduce the impact of the parking in front of the building to compensate for the location.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

### Waiver #2: Screen Wall

Waiver from the Land Development Code, Section 5.5.1.A.3.a, to eliminate the required 3' wall along the perimeter of the parking lot.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since screen plantings and the 6' aluminum fence are being provided instead of the 3' screen wall.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which states parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid

negatively impacting motorists, residents and pedestrians. The waiver request does not violate the guidelines of the comprehensive plan since the area is being screened by the proposed screen plantings and the 6' aluminum fence.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since a proposed plantings and aluminum fence are being used to screen the parking lot.

- (d) Either:  
(i) The applicant has 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  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived. The proposal provides a decorative fence and screen planting to lessen the impact of the parking.

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

#### **Waiver #3: Vehicle Use Area Landscape Buffer Area (VUA LBA)**

Waiver from Land Development Code, Section 10.2.10, to eliminate the 5' VUA LBA adjacent to the alley.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since only the portion of the buffer not being provided is located where the parking spaces are being accessed by the alley. The remainder of the VUA LBA will be provided between the sidewalk and the parking stalls of the larger parking area to the west of the proposed building.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate the comprehensive plan since plantings are being provided along the western parking lot to reduce the impact.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since plantings are being incorporated along the parking spaces lot west of the building.

(d) Either:

(i) The applicant has 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

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed rear parking spaces could not be provided.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

### Waiver #4: Interior Landscape Area (ILA)

Waiver from Land Development Code Section 10.2.12 to not provide the ILA areas in the parking spaces, adjacent to the alley, at the rear of the building.

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since only the ILA area are not being provided in the parking area at the rear of the building. The remainder of the ILA's will be provided in the larger parking area to the west of the proposed building.

(b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The waiver will violate the comprehensive plan since plantings could be provided with the elimination of one of two parking spaces to incorporate some green space in the rear of the building to reduce the impact of the parking and compensate for non-compliance.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant since ILA areas with tree plantings could be incorporated along the rear of the building by eliminating one or two parking spaces.

(d) Either:

(i) The applicant has 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

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development can be built on the site while complying with the requirements requested to be waived.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

### Waiver #5: 50% Clear Doors and Windows

Waiver from Land Development Code Section 5.6.1.C.1, to allow the front façade to be less than 50% clear doors and windows.

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect adjacent property owners since the applicant is providing openings at the street level which provide views into the patio area instead of providing clear glass.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 3, policy 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 75% and 50% clear glass and doors. The waiver will violate the comprehensive plan since openings and animated features are being provided along the front facades of the building which meets the intent of the requirement.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the proposal does provide animated features on the façade and opens to allow views into the patio.

(d) Either:

(i) The applicant has 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

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures to compensate for non-compliance with the requirements to be waived. Opening providing views into the patio are being provided instead of the clear glass and doors.

### TECHNICAL REVIEW

There are no technical review issues.

### STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant waivers 1, 2, 3, and 5; and the Category 3 Development Plan. However, waiver 4, the ILA area, could be provided by eliminating one or two parking spaces along the rear of the building to provide green space and tree planting.

Therefore, the Development Review Committee must determine, based on the testimony and evidence provided at the public hearing, if the waivers do not violate the comprehensive plan and also meet the standards established in the Land Development Code; and the Category 3 Development Plan meets the standards of the comprehensive plan.

**NOTIFICATION**

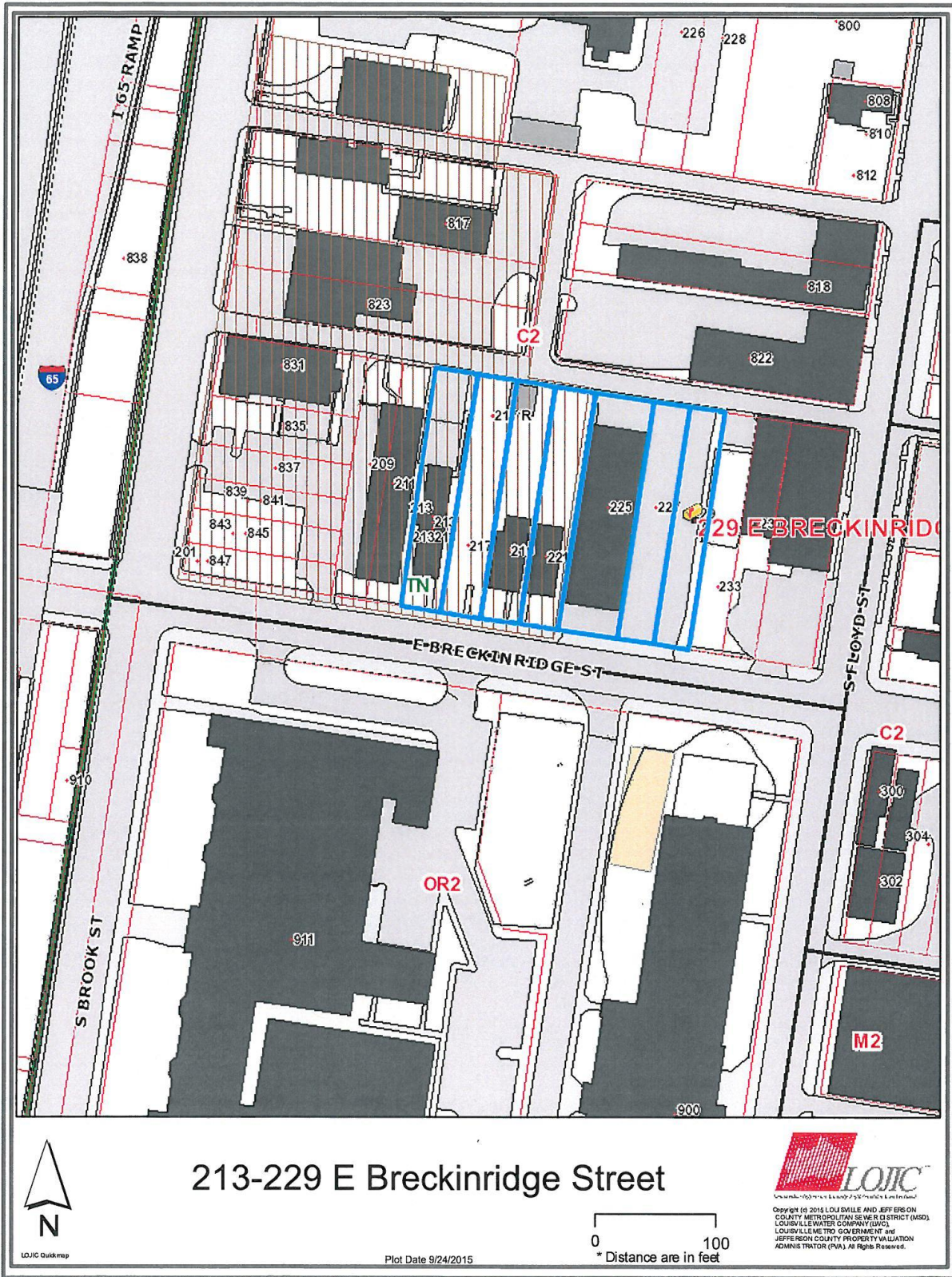
Date	Purpose of Notice	Recipients
10/30/2015	Early Notice	Neighborhood notification recipients
11/02/2015	Early Notice	1 <sup>st</sup> tier adjoining property owners
11/19/2015	DRC Hearing	Neighborhood notification recipients
11/20/2015	DRC Hearing	1 <sup>st</sup> tier adjoining property owners

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Building Elevations
5. Floor Plans
6. Building Renderings
7. Applicant's Justifications

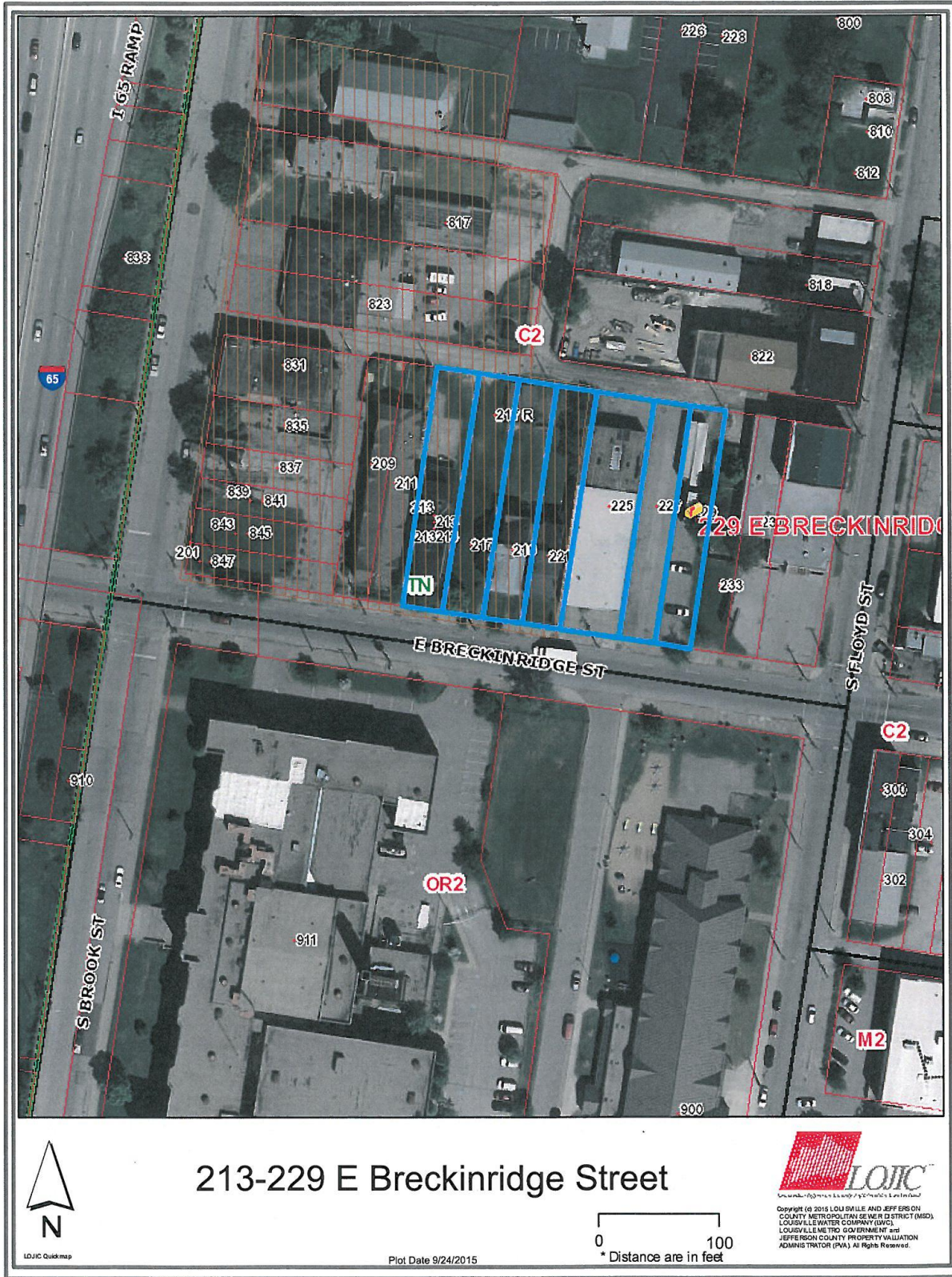


Attachment 1 - Zoning Map

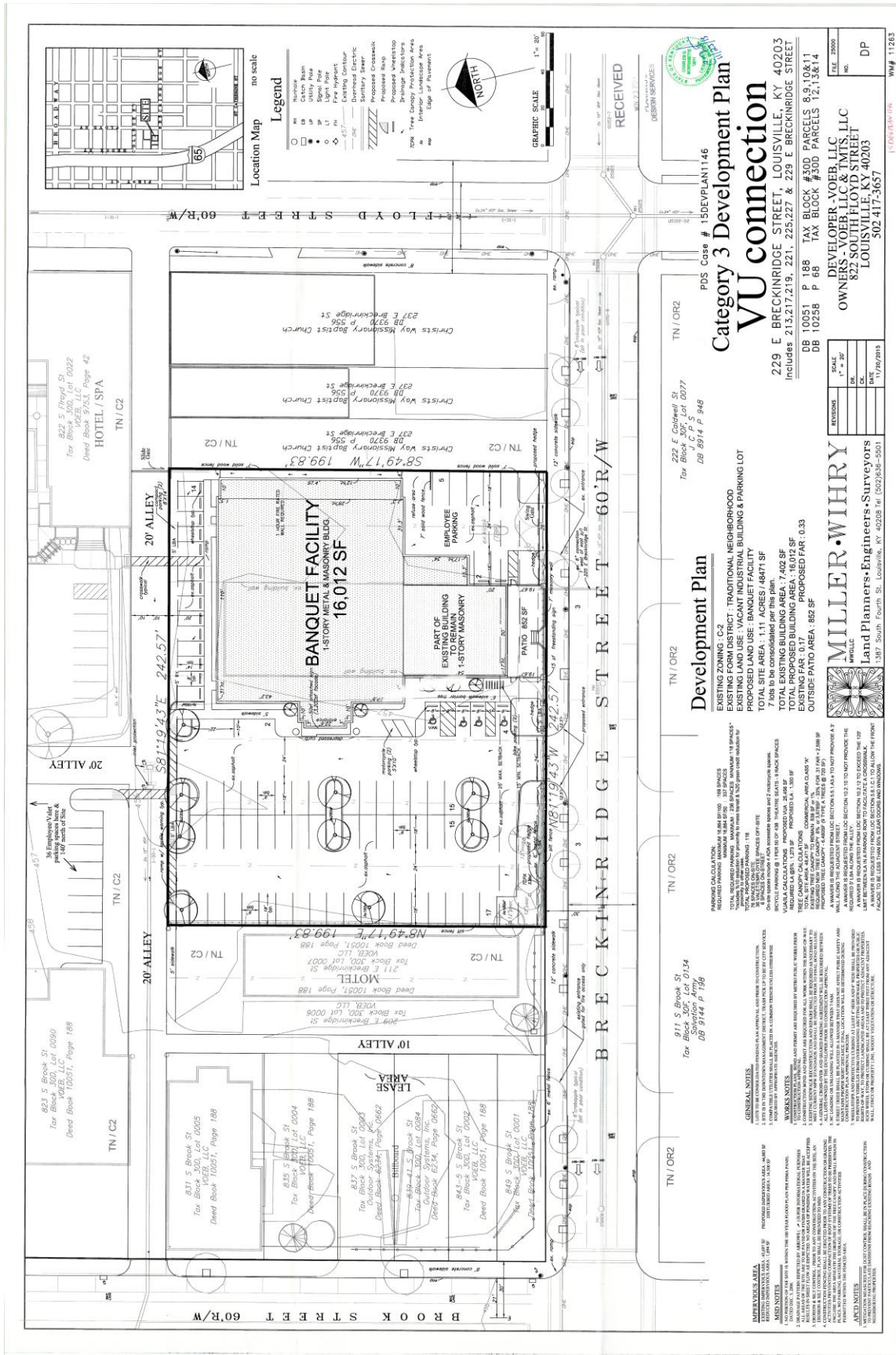




Attachment 2 - Aerial Photographs







Category 3 Development Plan  
**VU connection**  
 229 E BRECKINRIDGE STREET, LOUISVILLE, KY 40203  
 Includes: 213, 217, 219, 221, 225, 227, & 229 E BRECKINRIDGE STREET  
 DB 10051 P 188 TAX BLOCK #300 PARCELS 9, 10, 11  
 DB 10258 P 68 TAX BLOCK #300 PARCELS 12, 13, 14

DEVELOPER: VOEB, LLC  
 822 S FLOYD STREET  
 LOUISVILLE, KY 40203  
 502.417.3657

OWNERS: MILLER•WHIRY  
 1307 South Fourth St., Louisville, KY 40208  
 (502) 634-5601

Land Planners • Engineers • Surveyors  
 MILLER•WHIRY  
 1307 South Fourth St., Louisville, KY 40208  
 (502) 634-5601

Development Plan  
 PDS Case # 15DEVPLAN1146  
 222 E Caldwell St  
 Tax Block 300, Lot 0077  
 DB 8914 P 948

EXISTING ZONING: C2  
 PROPOSED LAND USE: BANQUET FACILITY  
 TOTAL SITE AREA: 1.11 ACRES / 48471 SF  
 70% TO BE CONSOLIDATED PER THIS PLAN  
 TOTAL EXISTING BUILDING AREA: 7,402 SF  
 EXISTING FAR: 0.17 BUILDING PROPOSED FAR: 0.33  
 OUTSIDE PATIO AREA: 862 SF

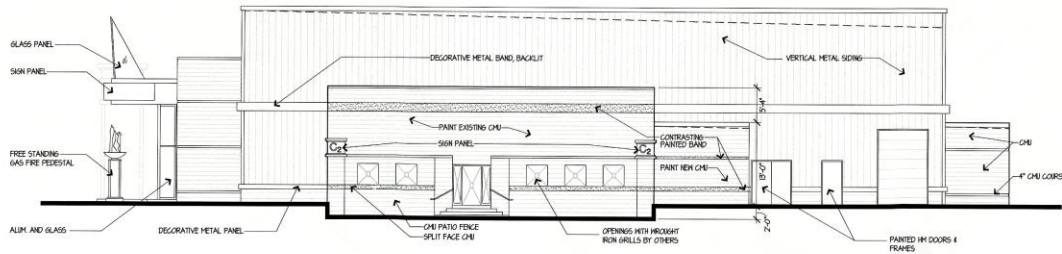
REVISIONS

NO.	DATE	DESCRIPTION
1	12/2/15	ISSUED FOR PERMIT

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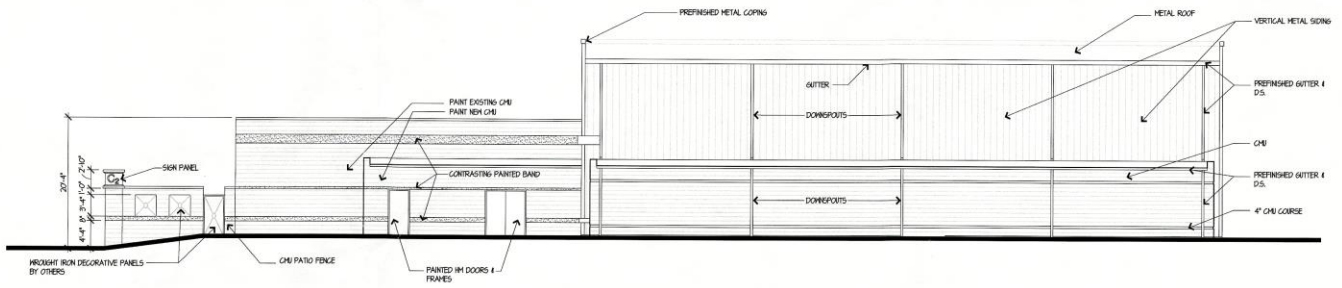
GENERAL NOTES:  
 1. THE PROVISIONS OF THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS SHALL APPLY TO THIS DEVELOPMENT.  
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
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# Attachment 4: Building Elevations



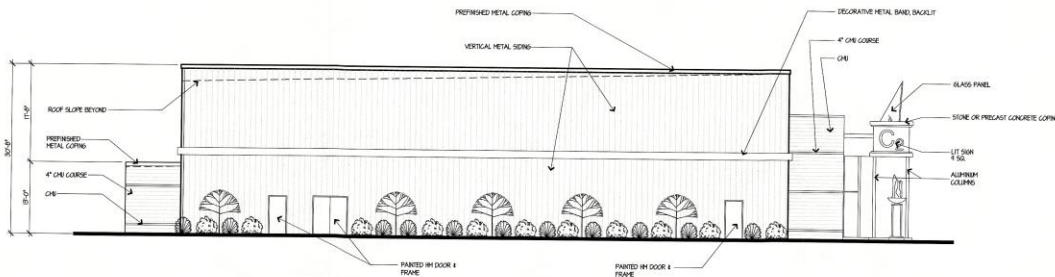
## BRECKENRIDGE STREET ELEVATION

SCALE = 3/32" = 1'-0"



## EAST ELEVATION

SCALE = 3/32" = 1'-0"



## HOTEL SIDE ELEVATION

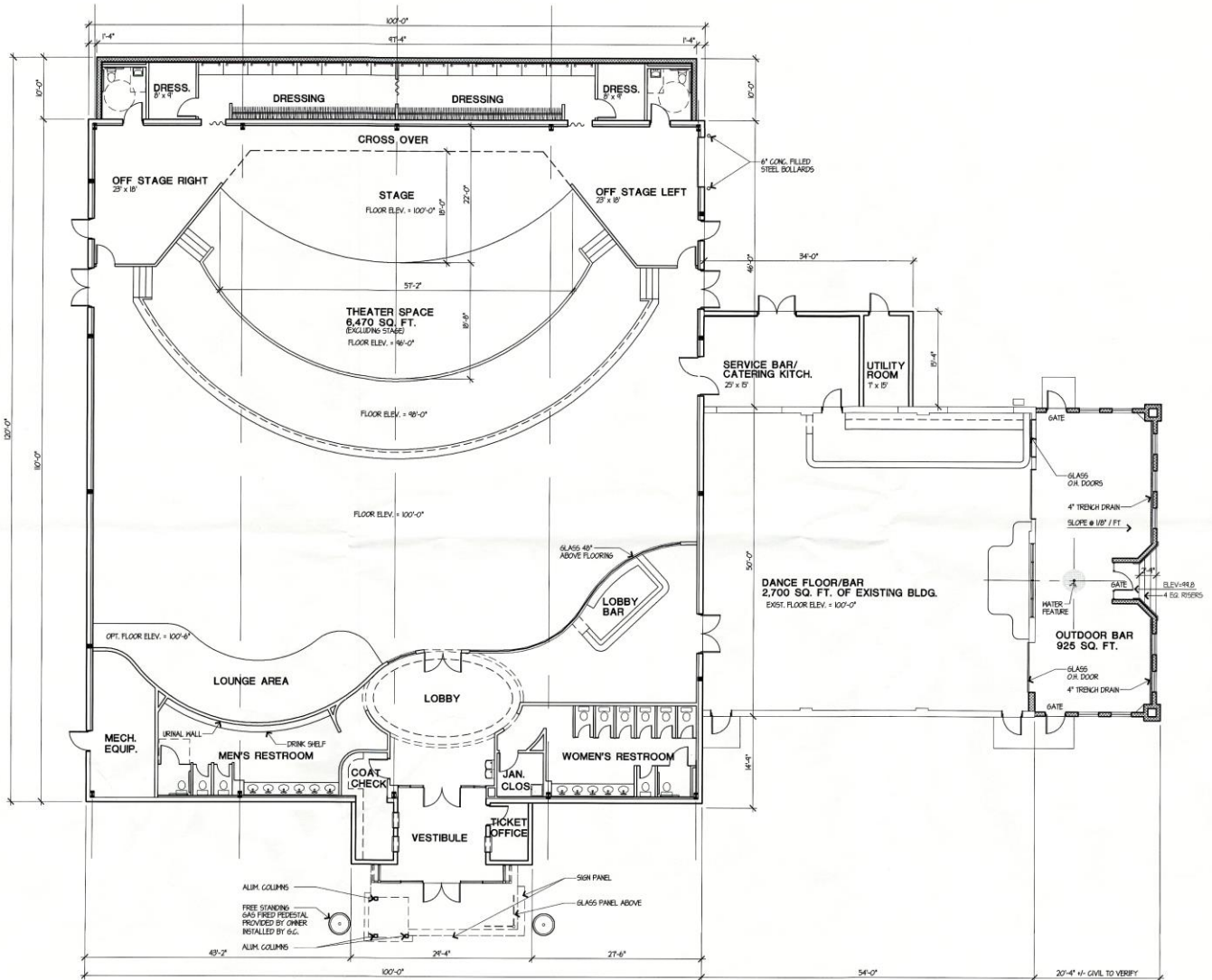
SCALE = 3/32" = 1'-0"



## PARKING SIDE ELEVATION

SCALE = 3/32" = 1'-0"

Attachment 5: Floor Plan



**SCHEMATIC FLOOR PLAN H**  
SCALE = 3/32" = 1'-0"

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Attachment 6 –Building Renderings



BERRY-PRINDLE ARCHITECTS  
810 BAXTER AVE.  
LOUISVILLE, KY 40204  
p: 502.583.9829

VU HOTEL AT THE  
VILLAGE BANQUET HALL  
DAY RENDER, PATIO ABOVE

225 E. BRECKINRIDGE STREET  
LOUISVILLE, KY 40203

11.6.2015



BERRY-PRINDLE ARCHITECTS  
810 BAXTER AVE.  
LOUISVILLE, KY 40204  
p: 502.583.9829

VU HOTEL AT THE  
VILLAGE BANQUET HALL  
DAY RENDER, FRONT FACADE

225 E. BRECKINRIDGE STREET  
LOUISVILLE, KY 40203

11.6.2015



**Attachment 7 – Applicant’s Justifications**

**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.**

*WAIVER of 5.5.1.A3a - 3' wall requirement along street (see exhibit attached)*

**1. Will the waiver adversely affect adjacent property owners?**

No the existing limestone curb-wall & 6' metal fence, with plantings to be added behind the fence will more than adequately serve the intent of the required 3' wall.

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

No again the waiver will not violate the Comprehensive Plan because the existing and proposed combination of curb-wall, fence and plantings will more than meet the intended purpose of the required wall.

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

Yes the applicant does not wish to remove either the historic limestone curb-wall or existing metal fence.

**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 proposes to provide a hedge behind the metal fence that will provide the visual barrier that would have been provided by the wall.

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Exhibit of Existing Fence and Curb Wall



15W400010X



**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.** *WAIVER of 10.2.10 - 5' lba requirement adjacent to the alley*

**1. Will the waiver adversely affect adjacent property owners?**

No the only immediately adjacent property to the area of the waiver is under the same ownership.

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

No the waiver will not violate the Comprehensive Plan because the waiver is being requested in area that is already paved in the manner proposed and will allow the project to meet its parking requirements without demolishing existing parking areas.

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

Yes the waiver will allow the applicant to utilize the existing pavement to provide the parking required for the project.

**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 proposes to landscape on the other side of the alley beyond the 5' requirement to compensate for the waiver.

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**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.**

*WAIVER of 10.2.12 exceeding the 120' limit between 14As.*

**1. Will the waiver adversely affect adjacent property owners?**

No the only immediately adjacent property to the area of the waiver is under the same ownership.

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

No again the waiver will not violate the Comprehensive Plan because the waiver is being requested to comply with other elements of the Comprehensive plan to do with pedestrian movement.

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

Yes the proposed crosswalk is 5' wide which would be the minimum functional width.

**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 proposes to provide a hedge behind the metal fence that will provide the visual barrier that would have been provided by the wall.

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