

### **General Waiver Justification**

In order to justify approval of any waiver or modifications of standards, the Planning Commission considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.)

Waiver of Table 10.2.3 to not provide the required LBA between R-6 and C2 zoned properties.

A. The waiver will not adversely affect adjacent property owners because this development is part of a larger apartment community developed by the applicant. The waiver is located between and existing C2 zoned property and the proposed R-6 where the two parking lots meet. The waiver won't affect the adjacent property because the LBA requirement is only arguably triggered by the fact the current proposed development is a less intense residential use in a C-2 zoning district and the LBA is designed to apply to the more intense retail C-2 use.

B. The waiver will not violate the Comprehensive Plan for all of the reasons set forth in the original rezoning of the subject parcel to R-6, with the change to a less intense residential use.

C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this applicant is not proposing to eliminate the landscape buffer but simply to reduce it in order to afford adequate parking and maneuvering, while assuring, adequate perimeter landscaping and buffering.

D. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the landscape buffer reduction is minimal while not depriving the area from a continued landscape buffer which, as stated, is for the protection of the subject property.