

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 are no natural resources on the subject site.

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

The subject site is located in a developed area near the intersection of Accomack Drive and Westport Road a minor arterial. The proposed development is proposing to construct a sidewalk in the Accomack right-way to continue the existing walk system.

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

Open space is not a requirement

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?**

An onsite detention basin will be provided to manage drainage. MSD will have to approve construction plans for the development and review the proposed drainage systems.

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 overall site design is compatible with the surrounding area which is multi-family residential and commercial.

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

The proposal is in conformance with the Comprehensive Plan and is requesting the same waivers from Chapter 10 of the Land Development Code as were approved by 14zone1023.

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: South property line-Section 10.2.4.B to allow a greater than 50% overlap of a Landscape Buffer Area and a Sewer and Drainage Easement.

Explanation of Waiver:

1. Will the waiver adversely affect adjacent property owners?

The Waiver Request to waive the more than 50% overlap of a utility easement with a Landscape Buffer Area will not have an adverse effect because the required landscaping and screening will be provided.

2. Will the waiver violate the Comprehensive Plan?

The Comprehensive Plan will be not be violated because the required buffer width and landscaping will be provided and sufficient room will be provided for the drainage structures.

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

It is the minimum necessary because the applicant will provide the required buffer width along with the required landscaping in addition to providing sufficient room for storm water drainage structures such as a swale or detention basin.

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 strict application of the provisions would deprive the applicant of the use of their land because more land would be utilized to provide the clearance between the LBA and the utility easement and this is not necessary since the landscaping and the utility facilities can both be provided with a more than 50% overlap.

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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: North property line-Section 5.5.4.B.1 to reduce the 50 ft Landscape Buffer Area to 25 ft and to not provide the 6 ft. berm.

Explanation of Waiver:

1. Will the waiver adversely affect adjacent property owners?

The Land Development Code requires a 50 ft Landscape Buffer Area with a 6 ft berm be provided between industrial uses and residentially zoned or used property. The proposed use is for a three story mini-storage facility. All activities will take place inside the storage building. The property is zoned C-M but the proposed use is not a high intensity industrial use. A 25 ft Landscape Buffer Area with trees and an 8 ft. tall screen is required for C-M to R-6. The applicant is proposing to meet the requirements of Chapter 10.

2. Will the waiver violate the Comprehensive Plan?

The Comprehensive Plan will be not be violated because the Chapter 10 required buffer width, landscaping and screening will be provided.

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

It is the minimum necessary because the applicant is will provide a 25 ft. LBA along with the required landscaping and screening.

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 strict application of the provisions would deprive the applicant of the use of their land because more land would be have to be utilized to provide the 50 ft LBA. The applicant is proposing to provide the Chapter 10 LBA, trees and required screening which is the appropriate regulation given the commercial use rather than industrial use in spite of its industrial zoning.

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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: Section 5.9.2.A.1.b.ii to not provide a pedestrian and vehicular connection to the adjacent non-residential properties.

Explanation of Waiver:

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent properties because connectivity would serve no purpose between a mini-storage facility and a Ford parking lot or a hotel.

2. Will the waiver violate the Comprehensive Plan?

The Comprehensive Plan will be not be violated because connectivity between the proposed and the existing uses makes no sense in light of the nature of the proposed use and the adjacent non-residential uses.

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

It is the minimum necessary because the connections serve no purpose.

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 strict application of the provisions would deprive the applicant of the use of their land because the connection to the south to the existing Intown Suites would make it impossible to provide the detention basin and to the east to the Ford parking lot would compromise securing the proposed facility with fence.

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