

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: Section 10.3.7 to not provide a sidewalk along the property's Outer Loop frontage and along a portion of New Cut Road between the site entrance and the I-265 ramp.

Explanation of Waiver:

1. The waiver of these two sidewalks, one along Outer Loop and one along New Cut will not adversely affect adjacent property owners because (a) the one along the Outer Loop would not provide any access to the subject property because of a deep and wide drainage ditch that cannot be crossed without a flood plain variance which is almost impossible to obtain, and (b) the one along New Cut between the sites point of access and the Snyder Freeway would lead nowhere but to a dangerous freeway interchange which cannot be safely navigated.

2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because sidewalks will continue to be provided internal to this site and from the sites access point north along its New Cut Road frontage, which are areas where sidewalks make sense and might be utilized as a opposed to those for which waivers are requested which will not be utilized because of the conditions explained above.

4. 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 building these sidewalks would result in an unnecessary expenditure of funds to build sidewalks in two locations where they provide no access to the site or anywhere past the site that is likely to be developed or that is safe for pedestrians to travel.

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Waiver of: Section 5.12.2 to provide an amenity space equal to 10% of the office sq. ft.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the amenity area is intended to serve as an outdoor gathering area for facility workers, and for a facility this size and area equivalent to a large subdivision clubhouse is surely enough of a gathering area for the number of workers anticipated inside this facility, especially since most of them will be located in the office area.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant, and not more, because, as stated above, the amenity area provided is sufficient and not less than necessary to serve the likely number of employees to work in this building.
4. 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 because by requiring additional amenity area beyond the amount requested would necessitate use of an excessive amount of the non-building area of the lot for unused amenity space which is more importantly allocated for delivery vehicles, loading and unloading and employee and customer parking.

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Waiver of: Section 10.2.10 to omit the VUA landscape buffer between the parking lot and the private access easement on Lot 2.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the requested LBA waiver along the parking lot side of the access easement which would not affect adjoining property owners. And given the overall sizeable amount of LBA and greenspace that will be provided and/or be retained, LBA and greenspace is not totally lost, but just a short strip of LBA in this one area where parking, maneuvering and even an unlikely to be use sidewalk are provided.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it is only in this small area, relative to the overall significant-sized site, where this particular LBA waiver is being requested.
4. 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 applicant would lose parking or needed building space to provide this LBA, especially given the significant amount of landscaping and greenspace otherwise provided and/or retained on this overall site.

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