

RECEIVED

MAR 18 2018

PLANNING &
DESIGN SERVICES

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 10.3.5.A.1 and 10.2.10 to allow the encroachment of the proposed and existing parking into the 30 ft Hurstbourne Parkway Buffer area and 15 ft Landscape Buffer Area on tract 3.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District. Furthermore, excess right-of-way and landscaping exists and will continue to exist along this section of Hurstbourne Parkway.
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 not all of the perimeter along Hurstbourne Parkway has a reduced landscape buffer, but rather only this one small section where it is necessary to accommodate parking requirements in an area where good setback and landscaping will continue to exist.
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 it would lose valuable/necessary parking in an area where, as noted, there are no negative resulting impacts.

17 DEVPLAN 1127

RECEIVED

MAR 18 2018

PLANNING &
DESIGN SERVICES

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 5.5.1.A.1.a to waive the design standard to have the principal building entrance facing the primary street or to a focal point in a public open space on Tracts 2, 5 and 6.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District.
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 not all of the buildings are affected by this waiver, rather only those that, like the other buildings, need to face inward to the now new master plan for development of this mixed use activity center.
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 it would end up with buildings that face the directions given the nature of this site as now a master planned mixed use activity center.

17 DEVPLAN 1127

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 5.5.1.A.3.a to omit the masonry wall between the side parking and Hurstbourne Parkway on Tract 3.

RECEIVED
MAR 08 2018
PLANNING &
DESIGN SERVICES

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District.
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 only a portion of this site would be required to insert a wall screen where, given the circumstances of the overall site landscaping is much more in keeping with the overall aesthetic scheme for this master planned mixed use activity center.
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 it would have to build a wall where it just doesn't make common sense and where other/better landscape devices are employed.

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 5.5.1.A.3.a to allow parking to be located in front of the building on tracts 4 and closer to Hurstbourne Parkway right-of-way than the principal building on Tract 5 and 6.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District. Furthermore, both Whittington Parkway and Hurstbourne Parkway along the frontages of these tracts have considerable existing landscaping that mitigate the potential adverse consequences of parking located in the front of the building on tract 4 and closer to Hurstbourne Parkway than the LDC otherwise technically permits.
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 not all of the perimeter along Whittington Parkway and Hurstbourne Parkway have parking between the buildings and streets but only in these two relatively minor areas where parking is situated in order to accommodate a better than otherwise master plan for this mixed use activity center.
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 it would lose valuable/necessary parking in an area where, as noted, there are no negative resulting impacts. Moreover, not all portions of this overall master planned mixed use activity center, especially given the overall configuration of the site and fact that several buildings are located on it, can address the LDC the exact same way.