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PLANNING &  
DESIGN SERVICES

General Waiver Justification

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

This waiver will not adversely affect adjacent property owners. The parcel directly adjacent to the requested waiver area is zoned PEC and is currently undeveloped. The two parcels are separated by a 20' Multi-Use Path Easement. The property line runs down the center of this easement. This existing path, Old Henry Trail, ranges from 6.5' - 22.5' feet below the proposed office building's FFE. This change in grade requires a retaining wall in two different areas and a stairway has been designed at the midway point of the trail to provide direct access from the building's primary outdoor amenity. Currently, a thick tree canopy and understory plants line both sides of Old Henry Trail. Because of the significant change in elevation, the tree canopy serves as a visual buffer from the adjacent property.

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

The waiver will not violate the Comprehensive Plan. The applicant would like to use Old Henry Trail as an amenity for their office building. Because of this, safety and connectivity have been taken into consideration. A significant amount of tree canopy area is being preserved along the trail (99,928 SF). The understory is currently thick with invasive honeysuckle. The applicant would like to remove the honeysuckle to improve visibility to the trail for safety. In doing so, the code requires that a continual 8' shrub screen be added within the required landscape buffer area. Some of this screen would need to be placed on the low side of a retaining wall and would not actually screen anything. It also creates a barrier that conflicts with the design intent of the area and affects the potential safety of trail users.

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

Yes, elimination of the required 8' screen will increase safety and connectivity, both physical and visual, along Old Henry Trail. Because of the significant change in elevation, the existing tree canopy also serves as a visual buffer. The required landscape plan submitted by the applicant exceeded the minimum required Tree Canopy Protection Area, Vehicle Use Area plantings, and Type A and B trees required within the Landscape Buffer Areas.

**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 applicant has incorporated other design measures that exceed the minimums of the district. Enhanced landscape areas have been added on all sides of the building. Ornamental trees, shrubs, grasses and prairie areas have been added to the minimum required. In addition to the landscaping, a grand staircase has been designed as an access point to Old Henry Trail at the halfway point. This staircase is on axis with an outdoor plaza area on the north side of the building and has been enhanced with seating areas, plantings and lighting. This access point increases the safety of the trail and improves connectivity throughout the entire site by creating various distance loops for walkers use.

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