

WAIVER OF LAND DEVELOPMENT CODE SECTION 10.2.4
PERIMETER PLANTING REQUIREMENT
AMENDED JUSTIFICATION STATEMENT

NORTHEAST CHRISTIAN CHURCH
9808 Brownsboro Road

CASE NO. 17CUP1073

October 10, 2017

Northeast Christian Church (“the “Applicant”), is seeking approval of a Conditional Use Permit (“CUP”) to provide an additional parking area to address the needs of its growing congregation. The applicant proposes to expand its existing parking with a new parking area on property located at 9808 Brownsboro Road (“Subject Property”), which is situated between two other applicant-owned properties. The parcel to the east and south of the Subject Property is the Applicant’s religious campus (east) and a portion of its existing vehicular parking area (south), which services the religious buildings. The parcel to the west is where the Applicant owns and operates a cemetery. Applicant’s three properties are all zoned R-4 single-family and located within the Regional Center Form. Here, the Applicant requests waivers from landscape buffer areas applicable to the Subject Property’s perimeter. If the Applicant must comply with said landscape requirements, Applicant would have to buffer its own parking area from its own land uses, thereby buffering the parking areas from the very buildings/uses the parking area is intended to serve. The Applicant contends this result is not what the Land Development Code intended. Accordingly, and in conjunction with the other justifications stated herein, the Applicant’s request for relief from these property perimeter landscape requirements is reasonably justified.

Land Development Code (“LDC”) Section 10.2.4.B.5 considers churches as intensity class 3 for purposes of property perimeter screening. LDC Section 10.2.4.B.6 states sites with a CUP and located within a residential zoning district, like the Applicant’s proposal for the Subject Property, be considered as a C-1 zoning district, which the LDC assigns an intensity of class 4. As applied to this case, LDC tables 10.2.2 through 10.2.4 would require Applicant to establish a 15-foot landscape buffer area and an 8-foot screen along the Subject Property’s western, southern and eastern property lines. Exception 7 to the landscape buffer area requirements provides, however, that when non-residential uses are adjacent to each other, the screening is not required. Consequently, the Applicant seeks relief from the requirement to provide the 15-foot landscape buffer area on the Subject Property’s western, southern and eastern property

lines. Applicant's waiver requests are reasonably justified. As it relates to the Subject Property's western property line, there are existing mature trees that will remain along said western property line shared with the cemetery and the proposed parking expansion on the Subject Property, where a six-foot screen is unnecessary to buffer Applicant's parking expansion from its own cemetery use, which the parking area will ultimately serve.

A. The waiver will not adversely affect adjacent property owners.

The waiver from LDC Section 10.2.4 requirement to provide perimeter landscape buffer areas around the Subject Property will not adversely affect adjacent property owners because the Applicant owns both properties adjacent to the Subject Property, thereby making the area subject of the waiver request internal to the Applicant's overall religious campus. Therefore, the Applicant's requests this waiver from LDC Section 10.2.4 so that it will not have to buffer its own parking and maneuvering area from its own church buildings and cemetery. Applicant's waiver request is not located along the perimeter of its overall campus site, however, where it is possible that a lack of landscape buffering or the presence of no screen could negatively affect abutting residential property owners.

B. The waiver will not violate the Comprehensive Plan.

The requested landscape waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed use is consistent with the Regional Center Form District, which encompasses the community's major shopping facilities, where medium and high intensity commercial development serving a regional market are found, and where a wide range of related uses, including residential, office and institutional development is strongly encouraged. Applicant's request for approval of a CUP on the Subject Property to expand its vehicular parking and maneuvering area illustrates how this development proposal is internal to its overall property, which includes the cemetery to the west, the primary church and accessory buildings to the east and an existing vehicular parking and maneuvering area to the south. The proposed expanded parking area will serve both the church and the cemetery, thereby eliminating the need for the applicant to install buffering and a screen for the parking area that will serve the church and cemetery. Similarly, the existing parking and maneuvering area adjacent to the south of the Subject Property is also part of the Applicant's overall campus, which the proposed parking and maneuvering area on the Subject Property will supplement to meet the need of the Applicant's growing congregation. The waiver will create no adverse visual impacts to the surrounding areas, including, and most importantly, the residential properties to the south of the campus. For all of the foregoing reasons, the property perimeter landscape waiver request, as

applied to the Subject Property's western, eastern and southern property lines will not violate the Cornerstone 2020 Comprehensive Plan.

C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

The extent of the requested perimeter landscape waiver is the minimum necessary to afford relief to the applicant because, in the specific context of this proposed Category 2B Development Plan, LDC Section 10.2.4 pertains to buffering Applicant's vehicular parking and maneuvering area from the Applicant's own cemetery, church buildings and other, existing parking area rather than from an adjacent property whereon a residential use is established. Here, the Applicant proposes an expanded parking and maneuvering area to address increasing demands from its growing congregation. Applicant purchased the Subject Property for this very reason years ago when it was being used as a single-family residence. A number of mature trees existing along the Subject Property's shared property line with the cemetery will remain and provide a nice canopy for both the proposed parking area and cemetery. Moreover, as underscored herein, there is no real need to buffer the proposed use on the property from itself, thus the waiver of LDC Section 10.2.4 planting requirements along the Subject Property's eastern, southern and western property lines is the minimum necessary to afford relief to the applicant.

D2. The 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.

The Applicant's Development Plan proposes an expanded vehicular parking and maneuvering area between its primary worship center building to the east and its cemetery to the west and its existing parking area to the south, all of which are located on property owned by the Applicant. The proposed parking expansion will serve both land uses. Currently, there exists a number of mature trees along the shared property boundary between the Subject Property and the cemetery. Therefore, and for all the reasons set forth herein, the strict application of the LDC Section 10.2.4 buffering provisions to the Subject Property would create an unnecessary hardship on the applicant because it essentially requires the Applicant to expend money to establish and maintain buffering, which will severely decrease the available parking area, only to buffer Applicant's expanded parking area from Applicant's own existing uses.