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**Franklin Street Warehouse
17ZONE1037**

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Justification Statement

The applicant hereby submits his Justification Statement for the Franklin Street Warehouse project.

The Franklin Street Warehouse project seeks to rezone 2 parcels, located at 1014 and 1016 Franklin Street, from R-6 to CM. These parcels are located in the Butchertown Historic Preservation District. The approved zoning map amendment will right-zone the parcels to reflect their historic and current warehouse use, and will allow for adaptive and flexible re-use and repurposing of the parcels, with limits suggested by the applicant.

1. How the proposed development is in compliance with Cornerstone 2020.

This application conforms to the Goals and Objectives of the *Cornerstone 2020 Comprehensive Plan*, as reflected in the Guidelines and Policies (which, per page 3 of the Plan, “are to be used for the assessment of proposed amendments to the Zoning District Map”) in the following ways:

A. Guideline 1 – Community Form – The development, in its current state and with potential future uses upon approval of the map amendment, will be compatible with the scale, rhythm, form and function of the existing neighborhood because no changes are proposed. The parcels to be rezoned are located in the Traditional Neighborhood (TN) form district, and the Butchertown neighborhood is cited in the Glossary of Cornerstone 2020 plan as an example of a “Traditional Workplace Form Area.” (Guideline 1.B.9). This form area is “characterized by predominantly small to medium scale industrial and employment uses” such as the warehouse with this application. The warehouse building has a limited setback from the street, consistent with the pattern of all development in the area, and, being surrounded by residential uses, it is closely integrated with residential areas. The current warehouse use and potential future uses of this building represent a mixture of industrial, commercial and office uses within this residential area.

B. Guideline - 2 - Centers – the proposal is an existing activity / employment center located in the middle of the block on Franklin Street, between North Johnson Street and North Wenzel Street. The map amendment will legitimize the current warehouse use and will open the door to other permitted uses in the CM district (subject to restrictions and limitations proposed by the applicant), thus repurposing and rehabilitating the activity center in this block. (Guideline 2.A.7). This change will allow the location of retail commercial establishments in this activity center. (Guideline 2.A.3). It is a compact development, resulting in efficient land use, with no need for infrastructure investment. (Guideline 2.A.4).

C. Guideline 3 – Compatibility – the neighborhood is a mixed-use area, and the applicant proposes a compatible mix of uses that will not constitute a further non-residential expansion into a residential area. (Guideline 3.A.4). The site is near existing activity centers and near transit routes along East Main Street. (Guideline 3.A.11). The proposal will allow certain CM activities (self-limited by the applicant) to locate in this workplace form district rather than in isolated commercial or industrial sites. (Guideline 3.A.17).

D. Guideline 4 – Open Space – not applicable to this type of development

E. Guideline 5 – Natural Areas and Scenic and Historic Resources – the parcels are located in the Butchertown Historic Preservation District. The proposal includes the preservation, rehabilitation and future adaptive reuse of an existing older structure in a manner that is compatible with the height, bulk, scale, architecture and placement of other structures in the district and immediate neighborhood. (Guideline 5.A.2). There are no concerns from this development vis-à-vis the natural environment.

F. Guideline 6 – Economic Growth and Sustainability – this development constitutes an investment in the rehabilitation and revitalization of the Butchertown neighborhood, all in a manner that is consistent with, and sensitive to, form patterns in the district. (Guideline 6.A.3). It allows an adaptive re-use of an older warehouse building located on older industrial land. (Guideline 6.A.11).

G. Guideline 7 – Circulation – it is not anticipated that a development of this size and scope will put a strain on existing transportation networks and facilities. (Guideline 7.A.1). The parcels are well-situated to take full advantage of mass transit opportunities. (Guideline 7.A.3, .4).

H. Guideline 8 – Transportation Facility Design – the scope and size of this project do not implicate the safe and efficient design of transportation facilities.

I. Guideline 9 – Bicycle, Pedestrian and Transit – this project relies upon, continues and protects, the existing pedestrian sidewalk infrastructure that fronts the parcels, and that provides easy access to mass transit options. (Guideline 9.A.1 and 2). On-site bicycle parking will be provided. (Guideline 9.A.4).

J. Guideline 10 – Flooding and Stormwater – Flooding and stormwater runoff issues are not implicated by this application because no new impervious surface areas are proposed.

K. Guideline 11 – Water Quality – it is not anticipated that this relatively small development will degrade the water quality due to water pollution or erosion; regional water resources are protected.

L. Guideline 12 – Air Quality – it is anticipated that this relatively small development will have no negative impact on air quality.

M. Guideline 13 – Landscape Character – the landscape area of this developed urban neighborhood will not be affected by this proposal.

N. Guideline 14 – Infrastructure – the subject parcels are located in an area that is served by adequate existing utilities, including potable water, water for fire suppression, and sanitary sewers. (Guideline 14.A.2. .3, .4).

O. Guideline 15 – Community Facilities – not applicable to this private development.

2. **How the proposed development is compatible with the Traditional Neighborhood Form District.**

The Franklin Street Warehouse project is within the Traditional Neighborhood Form District (TN). Per Section 5.2.3 of the LDC, the intent of a TN is “to promote the development and redevelopment of neighborhoods in a manner consistent and compatible with the distinct site and community design

elements of a traditional neighborhood.” The Butchertown neighborhood is cited in the *Cornerstone 2020* plan (at page 15 of the Glossary) as an example of a “Traditional Workplace Form Area,” which has a “pattern of development characterized by older, small to medium scale industrial and employment centers typically integrated into traditional neighborhoods. Buildings sit close to street and have mostly on-street parking.”

The Franklin Street Warehouse is compatible with the TN because it represents the very epitome of the Butchertown neighborhood – older (circa 1964), small scale industrial / warehouse use, intimately integrated into a traditional mixed residential / industrial / commercial neighborhood, with a building as close to the street as the adjacent houses, and with mostly on-street parking.

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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.**

1. Will the waiver adversely affect adjacent property owners?

No. This waiver will allow an existing building to remain. No site improvements are planned so there will be no impact on adjoining property owners.

2. Will the waiver violate the Comprehensive Plan?

No. According to the Comprehensive Plan, the Traditional Neighborhood Form District is intended to support the redevelopment, enhancement and preservation of existing neighborhoods. It also promotes the re-use of existing structures and the integration of neighborhood-serving land uses. This waiver is the direct result of a re-zoning to bring an existing warehouse building into compliance. Although it can continue to operate as a warehouse due to non-conforming rights, it can never be anything else. This rezoning will allow the future use of this property to be something that benefits the neighborhood. Therefore, this waiver will not violate the Comprehensive Plan.

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

Yes. The applicant is asking for this waiver to allow an existing building to remain. There is not enough room between the building on the subject site and the adjacent buildings to plant the required material or build a fence and have room to maintain it; therefore it is the minimum necessary to provide relief to the applicant.

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 of the regulation would mean that either (1) the applicant would have to tear down the building, or (2) the building would have to remain a non-compliant warehouse for the remainder of its life. This eliminates the flexibility of bringing in a neighborhood serving use in the future and would create an unnecessary hardship on the owner and the neighborhood.

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