

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?

Granting the waivers will not adversely affect the adjacent property owners as the surrounding area has already been developed in a similar manner and the request will result in a plan that is in keeping with the established pattern of development in the area.

2. Will the waiver violate the Comprehensive Plan?

Even with the granting of these waivers this development plan will still meet the intent of the landscaping and screening sections of the Comprehensive Plan as there will still be more plantings on the site than currently exist prior to this redevelopment proposal. Furthermore, there are street trees in the immediate area of the Broadway oriented waiver requests that will help screen the view of the drive-thru lane.

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

The extent of the waivers of the regulations is the minimum necessary to afford relief to the applicant as plantings will still be provided where possible and the development plan complies with all other applicable sections of the Land Development Code.

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 is providing much needed reinvestment in this area of the community and the benefit of having this development in this neighborhood will outweigh any minor negative impacts created by these waiver requests.

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PLANNING & DESIGN SERVICES