

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 from the requirements of LDC Chapter 10.2.4 to reduce the perimeter landscape buffer area (LBA) along portions of the property perimeter on Tract 2.

Explanation of Waiver:

1. This waiver is being requested on one of the west property boundaries that abuts four residential neighbors. The buffer encroachments are mostly for drive aisles and some parking—not structures, and the landscaping will sufficiently mitigate any visual or functional impacts. The waiver will not adversely affect these or other surrounding property owners as the landscaping will still be 1.5x what is normally required, providing effective visual and physical screening. Also, while the LBA is around 10' in areas, it will be around 45-50' in others. The perimeter treatment will meet the intent of the regulation while allowing practical development considerations.
2. The waiver is consistent with Plan 2040 and the goals and policies outlined in the Statement of Compliance filed with the rezoning application. Specifically, the Plan supports context-sensitive infill development, compatibility with surrounding land uses, and efficient use of land. This waiver accommodates a low-impact use that will provide a needed neighborhood service while minimizing disturbance to neighboring residential properties. The landscape buffer, enhanced with 1.5x plantings, preserves neighborhood character and visual separation.
3. The requested reduction is limited to 10 feet of the required 25-foot buffer and applies only where needed to accommodate vehicular circulation and site layout. Where adequate space allows, the LBA is actually exceeded. The proposed buffer remains functional and well-landscaped. Any greater buffer would compromise the development's efficiency and design while providing negligible additional benefit to adjacent uses. The proposed buffer strikes a fair balance between regulatory intent and site-specific feasibility.
4. Strict enforcement of the 25-foot buffer would constrain site design to the point of eliminating valuable vehicular circulation space. The relief sought is reasonable and necessary to accommodate the proposed plan. The existing physical and land use context—along with planned mitigation measures—justifies the reduced buffer.