

Justification Statement

Case No. 14zone1046

Project Name: Premier Packaging

Location: 3900 Produce Road

Owner/Applicant: Prempack Properties, LLC

Proposed Use: Continuation/Expansion of Existing Use

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The applicant requests a zoning change from R-4 to M-2 in order to continue and expand the existing uses on the site.

The zoning change is compatible with Cornerstone 2020 in the following ways:

- 1) The proposed use is consistent with the community form as follows:
 - a. The area of the proposed rezoning conforms to the Suburban Workplace Form District which is characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting; and
 - b. The current and any future uses will continue to be used by a single large scale user consistent with other uses located nearby and within the Suburban Workplace Form District; and
 - c. There is already adequate access for workers to the current portion of the site that is already zoned M-2 and upon which the building is located.
- 2) The proposed use is consistent with current activity centers as follows:
 - a. There is an existing activity center along Produce Road and Poplar Level Road where the property is located; the property is on the corner of the two roads and the portion to be rezoned has the majority of its frontage along Poplar Level Road;
 - b. There is sufficient population to support this use; and
 - c. This use is consistent with uses in the area along Poplar Level Road and Produce Road and will help any future business expansion be consistent with the current business activity in the area, in addition, the additional landscaping resulting from the new use will increase the attractiveness of the site and the area.
- 3) The proposed use is compatible with the surrounding area and uses as follows:

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a. The property (which is a strip of land fronting Poplar Level Road) will be rezoned to a more appropriate zoning district which is more compatible with the current uses in the neighborhood as there is very little residential use in this particular section of Poplar Level Road and Produce Road and a majority of the properties surrounding the property in question are already zoned M-2; and

b. The proposed zoning for the property is appropriate because it is located along a transit corridor and within an existing activity center that supports the proposed use.

4) The proposed use promotes economic growth and stability as it allows for the additional access and truck storage which will supplement the economic capabilities of an existing business in an older but active neighborhood. The potential for any future proposed uses will be consistent with the form district pattern.

5) Adequate parking is located on the property and along the right of way and will be as shown on the approved development plan.

6) The area proposed to be rezoned is a narrow strip of R-4 zoning (approximately 110' x 660') between an existing M2 development site and Poplar Level Road that is impractical and unsuitable for residential development.

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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; the waiver relates to internal uses only and will not affect adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

No; the waiver is consistent with the intent of the Comprehensive Plan as the waiver will not alter the character or nature of the area. In addition, the proposed use with the waiver is consistent with the current community form and activity center. In addition, the waiver request is consistent with Goal G1 of the Comprehensive Plan in that it will support the enhancement of an existing suburban workplace to ensure full use of the existing industrial areas and take advantage of existing infrastructure. It also meets goal G3 of the Comprehensive Plan which encourages enhancement of existing workplaces and adaptive reuse and reinvestment in the same.

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

Yes, the waiver is the minimum necessary to afford relief to the applicant.

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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?

(a) The site is required to have 11,581 square feet of Interior Landscape Area; the proposed site plan provides for 13,587 square feet of Interior Landscape Area, which is a beneficial effect. (b) The applicant is requesting relief from the spacing and location requirement in the existing parking areas of the site because the site is at the minimum number of sufficient parking places and adding landscape islands would result in a loss of parking areas. Losing those existing parking spaces would be an unnecessary hardship on the existing business operations of the current business.