

Waiver Justification

To justify approval of any waiver, the Planning Commission considers the four criteria. Please answer all the following items. Use additional sheets if needed. Responses of **yes, no, or N/A** will not be accepted.

1. Will the waiver adversely affect adjacent property owners?

Granting of this waiver will not adversely affect adjacent property owners because the buffer, berm and screen would be adjacent to a large R-4 zoned tract which is not residentially used but rather is a 234 space parking lot servicing a large office building zoned PEC.

2. Will the waiver violate the Comprehensive Plan?

Granting of this waiver will not violate the Comprehensive Plan because, as explained in #1 the buffer, berm and screen would not enhance compatibility.

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

The waiver is the minimum necessary to afford relief to the applicant as the vehicle use area that encroaches into the required buffer area is essential for the proposed warehouse operations and all other landscape requirements are being met.

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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?

Normally, when PEC zoned property is adjacent to PEC property, a 15' landscape buffer is required. Due to the fact that the adjacent property is zoned R4, we must provide a 50' landscape buffer. In the aforementioned, the R4 property is not a residential use; and has a conditional use permit allowing the property to be used as a parking lot. Due to the fact that the property was not rezoned, the strict application of the provisions of the regulation is totally unreasonable. This prohibits the reasonable use of the land and forces the applicant to request a waiver that should not exist in the first place. A 15' landscape buffer requirement for PEC zoned property (of which the R4 property should be) is what is being requested.