

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?

The property was previously developed as commercial tracts for future development. A detention basin along with associated storm water structures, and an access road from Bridwell Drive onto the site was constructed in the location where the required property perimeter buffer would be for the proposed car wash tract. The proposed car wash development will provide a Vehicular Use Area Landscape buffer to the existing access road, which would provide the appropriate scale and buffer for the overall development and therefore the waiver would not adversely affect neighbors.

2. Will the waiver violate the Comprehensive Plan?

The proposed waiver strengthens the proposed development's compatibility with the Comprehensive Plan in that the waiver will allow the developer to maintain the standard buffering for adjacent land uses when separated by roadways and will make this potential commercial center's scale and intensity more compatible with the surrounding neighborhood (Cornerstone 2020, C2.5 & C4.2). If the waiver is not approved the required screening between C-1 to OR-1 is an 8' screen which would create potential sight distance, vehicle and pedestrian safety issues.

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

Due to the site being previously graded, storm water infrastructure including the detention basin installed, and the existing access drive being constructed; there is not adequate property to provide the required fifteen foot property perimeter landscape buffer area. Nor would the required 8' screening be practical at this location, it would cut off the remaining tracts off visually from Cane Run Road as well as cause a potential safety issue with both vehicles and pedestrians

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 will provide a Vehicular Use Area landscape buffer between the proposed car wash and the existing access drive; adjacent to the northern property line with the tract zoned OR-1. If the required property perimeter landscape buffer was not waived the applicant could not provide the required buffer due to the existing detention basin and access drive.

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PLANNING &
DESIGN SERVICES

18 DEVPLAN 1059

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1. Will the waiver adversely affect adjacent property owners?

The waiver truly does not effect the adjacent property owners. It simply makes the connection from the proposed car wash to the existing TARC stop greater in distance due to the existing detention basin.

2. Will the waiver violate the Comprehensive Plan?

The waiver does not violate the Comprehensive Plan; a pedestrian connection to the existing TARC stop is still being made.

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

The waiver is the minimum necessary to give relief to the applicant. Due to the existing detention basin the sidewalk connection within 50' of the existing TARC stop.

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 regulations would create unnecessary hardship due to the location of the existing detention basin. The applicant would have to significantly alter the existing detention basin, which is currently in use.

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