

District Development Plan Justification:

In order to justify approval of any district development plan, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. **Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

There are no such features

2. **Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Yes, a pedestrian network is part of the site layout design. There is a simple and safe vehicular connection design.

3. **Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

The Open Space and recreational Open Space requirements are being met on the subject site.

4. **Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

Onsite detention will be provided to meet MSD's requirements.

5. **Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

The surrounding uses are residential and commercial. The proposed use is residential. The required buffer areas and setbacks are being provided for compatibility.

6. **Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

There are no waivers or variances associated with this development.

RECEIVED

APR 21 2014

PLANNING &
DESIGN SERVICES

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 of: Section 10.2.4.B to waive the more than 50% encroachment of the LBA and Parkway Buffer Area into the utility easements along the southwest and south property lines.

Explanation of Waiver: This waiver is for buffering along the existing Metro Government owned floodwall easement which is essentially a buffer of its own as to any other properties in that area.

1. The waiver will not adversely affect adjacent property owners because it is, as said above, a buffer that would otherwise screen a Metro-owned floodwall.
2. The waiver will not violate the Comprehensive Plan because for all the set forth in the Findings of Fact pertaining to all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan adopted at time of the original rezoning and development plan approvals.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because is only in this area along the existing floodwall.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because this is an area where a buffer serves no important purpose, so therefore the applicant would be required to reduce the size of the proposed apartment community which otherwise fits the site well without negative impacts, particularly along this southwest property line.