

JEFFERSON ANIMAL HOSPITAL WAIVER JUSTIFICATIONS

4504 Outer Loop

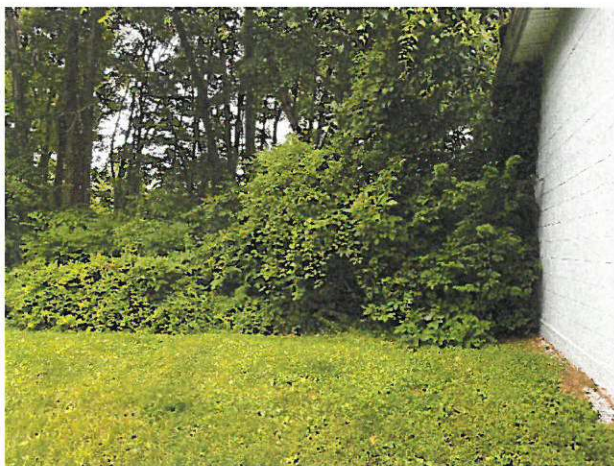
July 23, 2021

Enclosed please find a waiver application and associated documentation for the above listed property. The eastern portion of this property was rezoned to C1 in January of 2020 under case number 19-ZONE-0073. At that time, the plan showed that both the existing animal hospital and existing office building would remain, and an addition would be constructed to link the two. After further investigation it was determined that keeping the existing office building was not feasible due to the poor condition of the building structure. The development plan was revised accordingly earlier this year under case number 21-DDP-0038.

Under the original change in zoning, we were increasing building area by less than 50% so only the area of rezoning had to be brought into compliance with Chapter 10 of the Land Development Code. Now, with the removal and reconstruction of the existing office building, the whole site must come into compliance. The problem is that this is an existing business, and it would require significant changes to the existing facility to meet all Chapter 10 requirements on the original animal hospital site. Therefore, the applicant is requesting relief from some of the regulations.

A waiver was already approved for some of the landscaping on the change-in-zoning area. As detailed in the Planning Commission presentation on January 23rd, 2020, we requested relief from the required buffer along the eastern property line. We also requested relief from the planting density multiplier for the southern property line. We are meeting all other requirements for the change-in-zoning area. These areas are indicated in a lighter yellow on the plan.

The new waiver requests are all located on the original animal hospital site (outside the change in zoning area). They are indicated in a darker yellow on the plan. There is no anticipated work on the R4 portion of the property and the work on the C2 portion of the property outside the change in zoning area is limited to that necessary to build sidewalk and parking lot connections. There is a significant amount of vegetation on the R4 portion of the property which will be preserved as shown on the plan. The images below show this existing vegetation where a couple of the waivers are being requested.



Existing Vegetation Along Western R4 Property Perimeter and the R4 portion of the site

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Between preserved canopy and proposed plantings, we are significantly exceeding the tree canopy requirements for the property with 95% total proposed tree canopy (compared to 35% required). We are meeting all requirements (with exception of the previously approved waivers) on the change-in-zoning area, and we are bringing the existing Animal Hospital site closer to compliance. However, to lessen the impact on this existing business the applicant is requesting the following waivers:

- A. Waiver of LDC 10.2.4.B.6** to waive the landscape buffer requirement between the CUP area and R4 zoning. The CUP area of the site includes the south parking lot and the adjacent R4 property contains a single-family home that serves as living quarters for the on-call veterinarian and is a part of the subject site.
- B. Waiver of LDC 10.2.4.A** to waive the landscape buffer requirement between R4 zoning and adjacent C2 zoning on the R4 zoned property. There was no required landscape buffer on the adjacent C2 property at the time of its development, so the buffer is required to be provided on the subject site. No changes are anticipated for this portion of the property. The existing vegetation will meet the intent of the regulation in that area, but we will not meet the requirement in its entirety.
- C. Waiver of LDC 10.2.8.A** to waive 5 required street trees. We are meeting the street tree requirement on the change-in-zoning area and are providing a few trees on the existing animal hospital site as well to bring it closer to compliance. We just don't have the room to provide street trees for the entire frontage. The owner already has some landscaping along the right-of-way that they wish to keep but staff determined that these plants don't meet the requirements for street trees.
- D. Waiver of LDC 10.3.5.A** to waive the Parkway Buffer along the frontage of the existing animal hospital site. The Parkway Buffer requirements will be met for the change-in-zoning area, but there just isn't room on the existing animal hospital site to meet Parkway Buffer requirements. The site is heavily landscaped and most of those plantings will remain (except those removed to accommodate new construction).
- E. Waiver of LDC 10.2.12 & 13** to not provide the required ILA or ILA trees in the existing west and south parking lots. We are meeting ILA requirements on the change-in-zoning area but are requesting relief for the west and south parking lots that currently don't have any landscape islands. Construction in the west parking lot would be detrimental to the daily operations of the animal hospital, and especially the emergency operations because that will continue to be the main entrance for emergency services.

With regard to the specific justification for these waivers, please note the following:

1. Will the waiver adversely affect adjacent property owners?

- A. CUP Buffer** - No. The R4 property affected by this waiver is a part of the subject property and this is an existing condition. No construction is proposed for this area of the property. Therefore, there will be no adverse impact on adjacent property owners.

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- B. **C2 Buffer** - No. The subject property is the less intense use. Again, this is an existing condition, and no construction is proposed in this area of the property. In addition, the existing vegetation on the subject site meets the intent of the regulation as shown in the photo above. Therefore, this waiver will not have a negative impact on adjacent property owners.
- C. **Street Trees** - No. Of the 24 required street trees we are planting 19 in an area where there are very few street trees. Where no street trees are being planted, there is existing vegetation that will remain. Therefore, there will be no adverse impact on adjoining properties.
- D. **Parkway Buffer** - No. This is an existing condition and there isn't enough room to meet the requirements of this regulation without significant impact to this existing business. All existing vegetation will remain on the existing animal hospital site (except that removed to accommodate new construction) and the Parkway Buffer requirements are being met on the area of the rezoning so there will be no adverse impact to adjoining property owners.
- E. **ILAs** - No. This is an existing condition. No changes are proposed for the west and south parking lots. Therefore, there will be no adverse impact to adjoining property owners.

2. Will the waiver violate the Comprehensive Plan?

None of these waivers will violate the comprehensive plan. They are all necessary to allow this existing local business to reasonably invest in their property and expand their operations to serve more clients. Requiring this existing business to meet all these landscape requirements would directly violate Plan 2040 Economic Development Goals 1.d, 1.e, 1.f, 1.h, 2.b, 2.d, and 2.e. Granting these waivers would be in line with all those goals.

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

- A. **CUP Buffer** – Yes. No work is being done in this area of the site. This buffer would screen the subject site from itself and is unnecessary. Therefore, this is the minimum necessary to afford relief to the applicant.
- B. **C2 Buffer** – Yes. Again, this is an existing condition. No work is being done in this area and the intent of the regulation is met with existing vegetation on site. Therefore, this is the minimum necessary to afford relief to the applicant.
- C. **Street Trees** – Yes. 19 of the street trees will be provided. We are only asking to waive 5 because there isn't room on the existing site. Street tree requirements are being met in the change in zoning area. Therefore, this is the minimum necessary to afford relief to the applicant.
- D. **Parkway Buffer** – Yes. This is an existing condition. There isn't room to fit the parkway buffer plantings on the existing site without significant impact to the existing business. All parkway buffer requirements are being met for the change in zoning area. Therefore, this is the minimum necessary to afford relief to the applicant.
- E. **ILAs** – Yes. This is an existing condition. ILAs can't be provided in the west and south parking lots without significant impacts to this existing business. ILA

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requirements are being met in the change in zoning area. Therefore, this is the minimum necessary to afford relief to the applicant.

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. **CUP Buffer** – No construction is proposed for the R4 portion of the property and the regulations at the time of its development were much different than they are today. The strict application of the regulation would cause significant disruption to the existing business and could negatively impact adjacent property owners by disturbing portions of the site that were intended to remain as-is which would cause an unnecessary hardship on the applicant.
- B. **C2 Buffer** - No construction is proposed for the R4 portion of the property and the regulations at the time of its development were much different than they are today. The strict application of the regulation would cause significant disruption to the existing business and could negatively impact adjacent property owners by disturbing portions of the site that were intended to remain as-is which would cause an unnecessary hardship on the applicant.
- C. **Street Trees** – The strict application of the regulation would cause significant disruption to the existing business and would require them to remove existing parking and well-established landscaping which would cause an unnecessary hardship on the applicant.
- D. **Parkway Buffer** - The strict application of the regulation would cause significant disruption to the existing business and would require them to remove existing parking and well-established landscaping which would cause an unnecessary hardship on the applicant.
- E. **ILAs** – The strict application of the regulation would cause significant disruption to the existing business and would require them to remove existing parking which would cause an unnecessary hardship on the applicant.

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