

**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 5.9.2.A.1.b.ii to omit the vehicular and pedestrian circulation required between abutting non-residential uses between their sites, through parking lot or alley connection, hard surface walkways and similar measures.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because of the proposed distribution use and site layout. In this situation, providing a vehicular and pedestrian connection to the undeveloped property to the north is not practical due to the large distance between the proposed truck entrance and the northern property line (which is also proposed to be preserved tree canopy). The property to the north also has access to both Blankenbaker Parkway and the cross street to the north, Electron Drive. Further, because the northern portion of the subject site is the proposed truck entrance (not passenger vehicles), connectivity would serve no purpose as you don't want to mix passenger vehicle traffic and large truck traffic (and don't want to promote large trucks cutting through other sites). A connection to the property to the north would actually have a potentially adverse effect to that property due to the potential for large truck access through the northern property.

The adjacent developed property to the east is very similar to the undeveloped northern property in many respects. While this eastern property is already developed with a large warehouse facility, the only practical location for a vehicular connection would be through the large truck entrance on the northern portion of the subject site. A connection in this area would connect the large truck loading/unloading area with the passenger vehicle parking lot to this eastern property. While a connection to the property in the east would allow those passenger vehicles to cut through the subject site, it would be mixing passenger vehicles and large trucks which should be avoided if possible. All of the same applies to the pedestrian connections, as pedestrian traffic in a large truck loading and unloading area does not work.

2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of Plan 2040 filed with the rezoning application.

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3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because any connection to either property (the northern property or the eastern property) would result in the potential of cut through large truck traffic or the mixing of passenger vehicles and large truck traffic. Therefore, a complete waiver request is the minimum that is practical.

4. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant given that the connection would not serve the purpose intended by the regulation and are undesired by the adjoining property owners. They would also eliminate the security that is essential for this kind of business activity.

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