

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?

No, The waiver will not adversely affect adjacent property owners. The lots adjacent to the property on the east, west, and south sides are currently vacant, with the north adjacent lot being separated from the site by a pond. The sidewalk is located adjacent to a street with a cul-de-sac that dead ends at an existing pond, so little pedestrian traffic on the proposed sidewalk is expected. Little future pedestrian traffic is expected between the lots as they develop, based on the types of expected development.

2. Will the waiver violate the Comprehensive Plan?

No, The waiver will not violate the Comprehensive Plan. A sidewalk is still being provided on a Schutte Station place, which is a street that is a cul-de-sac with less than five lots. The sidewalk does connect at the south end of the cul-de-sac street to the sidewalk along Lake Station Place, which provides a clear pedestrian connection straight to the front door of the building.

RECEIVED

MAR 30 2015

PLANNING &

DESIGN SERVICES

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

Yes, the waiver is the minimum necessary to afford relief to the applicant. The existing grades of the site have made development such that a 3:1 grade is necessary from the elevation of the sidewalk near the street to the elevation of the developed parking area and building pad. Due to the steep slope between the sidewalk adjacent to Schutte Station Place and the parking area, stairs and handrails would be necessary to provide pedestrian access, and are significantly more costly to construct than the typical required sidewalk. The applicant proposes that little pedestrian traffic is expected from the cul-de-sac side of the property, therefore the pedestrian connection from the sidewalk to the south adjacent to Lake Station Place, should suffice the requirement for pedestrian access.

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 is going above and beyond by providing a sidewalk on a cul-de-sac that has less than 5 lots, and is not technically required to have a sidewalk per LDC table 6.2.2. This is being provided based on review from Planning and Design staff that Schutte Station place may one day in the future cross the existing lake and the cul-de-sac may in the future become a thru road. Requiring a pedestrian connection from this road would prove difficult for the applicant to construct a sidewalk given the steep 3:1 grades, and create a hardship in adjusting the configuration of the parking area to be able to fit the minimum parking spaces required on the site.

ADDERMAN/077

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 is a 100 year floodplain on the site, which is to remain outside of the limits of work.
There is an existing man made stone spring house on site, which is to be removed.
There are some existing trees, a portion of which will remain.

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

Yes.

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

Yes.

RECEIVED
MAR 9 2016
PLANNING &
DESIGN SERVICES

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?

Yes, provisions for adequate drainage were developed as part of the original overall Blankenbaker II Station Development, and will be located off site of this lot, within the overall development.

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?

Yes, the project is in accordance with the previously approved district development plan.

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

Yes.

ABERNATHY