

**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 10.2.10 to allow proposed parking to encroach into the required 10 ft VUA LBA along Dixie Highway.

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Explanation of Waiver:

APR 20 2015

PLANNING &  
DESIGN SERVICES

1. The waiver will not adversely affect adjacent property owners because this is a proposal to rebuild and rejuvenate an old retail site with a new building containing a new Panera Bread restaurant and new PNC branch bank. This is a superior and new use of the site, as opposed to an under-utilized old use of the site which only stands to benefit nearby properties, not diminish them in any way.
2. The waiver will not violate the Comprehensive Plan because the Guidelines and Policies impacted are those found within Guideline 13 pertaining to "Landscape Character", and this site otherwise complies with the landscape requirements of the Land Development Code as far as LBAs and ILAs are concerned. Further, the LBA along these frontages will nevertheless be well landscaped.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because this is the only waiver or variance being requested in connection with very positive redevelopment of this site.
4. Strict application of the provisions of the regulation will deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would not have enough parking to service these uses, because there is only so much depth to this site to accommodate the buildings and parking required by these two tenants.

15D EPLAN 1058