

Waiver Justification Statements

General Background Information Regarding the Subject Site

The subject site is zoned C2 and is located in the Town Center Form District. All adjacent properties are also located in the Town Center Form District. The properties to the north and east are zoned C2, while the properties to the south (Fairdale Elementary School) and west (3 single family home sites) are zoned R-4. There is no sidewalk on the south side of Manslick Road, fronting the subject property.

Waiver Request No. 1 – Waiver of Section 5.5.1.A.1.a, which requires principal building entrances to face the primary street serving the development or be oriented toward a focal point such as a landscaped public square, plaza or similar formal public open space.

1. Will the waiver adversely affect adjacent property owners?

The granting of this waiver will not have an adverse effect on adjacent property owners because the proposed building's principal entrance is located on the west façade as close to Manslick Road, the primary street, as possible without actually facing the road. With the lack of sidewalks along the side of Manslick Road that the proposed building is located on, customers will have to arrive via the entrance drive to the site, which will make the proposed building entrance more visible and accessible than if it was actually located facing Manslick Road.

2. Will the waiver violate the Comprehensive Plan?

The granting of this waiver will not violate the Comprehensive Plan because the proposed location of the principal entrance will meet the spirit and intent of the requirement by being located near the primary street and being visible and convenient to the public.

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

Yes, the extent of the waiver is the minimum necessary to afford relief to the applicant. Allowing the principal entrance to be located at the corner of the building near the primary street will prevent the applicant from having to redesign the building and modify the interior programming of the store.

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?

Strict application of the provisions of this regulation would create an unnecessary hardship on the applicant, requiring a re-design of the building and interior program space of the store, while not providing any real benefit to the intended design and function of the Village Center than the proposed entrance location that is near the corner of the building fronting Manslick Road and as visible to the street and potential customers as it would be if located on the façade facing Manslick.

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Waiver Request No. 2 – Waiver of section 5.5.1.A.3.a, which requires a minimum 3 foot masonry, stone or concrete wall extending from the principal structure across the front of the parking area

1. Will the waiver adversely affect adjacent property owners?

The granting of this waiver will not have an adverse effect on adjacent property owners. The Fairdale Village Center is comprised of individual land uses with front and side parking that separates the uses. There is no “street wall” that would be visually interrupted should this waiver be granted. The applicant will provide street trees and an understory vegetation to effectively screen the parking area from Manslick Road.

2. Will the waiver violate the Comprehensive Plan?

The granting of this waiver will not violate the Comprehensive Plan because the character of the Village Center will be maintained and the use of vegetation will effectively replace the masonry wall as a screen along Manslick Road.

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

Yes, the extent of the waiver is the minimum necessary to afford relief to the applicant. Granting the waiver will allow the applicant to provide a vegetative screen that will be more in character with the pattern of development that exists in the Fairdale Village Center.

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?

Strict application of the provisions of this regulation would create an unnecessary hardship on the applicant, requiring the applicant to construct a masonry wall that would not be in character with the Fairdale Village Center and is significantly more cost prohibitive than a vegetative solution.

Waiver Request No. 3 – Waiver of section 10.2 requirements to allow a portion of the vehicular use area to encroach 18’ into the required 25’ property perimeter Landscape Buffer Area.

1. Will the waiver adversely affect adjacent property owners?

The granting of this waiver will not have an adverse effect on adjacent property owners because the encroachment will consist of approximately 157’ along the west property line, which is approximately 237’ in length, and nowhere will the buffer be less than 7’ in width. This will allow all of the required screening and tree canopy to be provided within the perimeter landscape buffer area.

2. Will the waiver violate the Comprehensive Plan?

Granting of this waiver will not violate the Comprehensive Plan because only a portion of the buffer width would be reduced and all the required screening and tree canopy will be provided, so the intent of the requirement will still be met.

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

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Yes, the applicant is only requesting to waive that portion of the landscape buffer width necessary to accommodate the interior vehicular circulation needed.

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 will incorporate additional landscape plantings beyond what is required along the west property line to compensate for the reduction in buffer area width.

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