

## **Waiver Justification Horizon Sports Complex**

Horizon Sports Complex is the name of the proposed athletic field complex that Valley View Church, the owners have given this site. This property was the site of a former trailer park. Since Valley View Church has acquired the property they have cleared the site of most of the debris, trash, any remaining trailers, as well as securing the one remaining building. This remaining building will be removed as well as the rest of the remaining concrete trailer pads, and other debris that continues to make its way to site regardless of barriers once they receive approval of the Conditional Use Permit and site construction approvals.

The project consists of two softball fields, one special needs t-ball field, one soccer field, one multi use building for concessions, press box and restrooms, and related parking.

The site has been designed in such a way to focus as much of the activities towards the center of the site as possible.

Parking is proposed in one corner of the site near and along the trailer park existing / remaining entrance drive.

The only proposed access is from West Manslick Road along the existing entry drive that was the entry to the former trailer park.

The proposed impervious surface is less than the trailer park concrete pads and drives, which will constitute a decrease in storm water runoff.

There have been two neighborhood meetings. Each was well attended.

Sanitary sewers are available to the site.

Evening hours have been discussed with the neighbors and the Church has agreed to have the lights off and gates closed by 11 pm, with games typically ending around 10 pm.

## **Waivers "Attachment"**

**Waivers are requested from Table 10.2.2 to reduce the required 25' LBA**

**Waiver A:** To 15', a reduction of 10' along the railroad. This is a partial waiver in so much that only the corner of the soccer field and the edge of one of the softball fields are encroaching into the required LBA.

**Waiver B:** To 15', a reduction of 10' along the North side of the proposed entrance drive and also being between the entrance drive and the adjacent single family residential property.

**Waiver C:** To 3', a reduction of 22' along the South side of the proposed entrance drive and also being between the property owned by MSD and currently being used as a dirt stockpile.

**Waiver D:** To 15', a reduction of 10' along the South side of the property. This is a partial waiver in so much that only the edge of the soccer field and the corner of the special needs softball field are encroaching into the required LBA.

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**1. Will the waivers adversely affect adjacent property owners?**

Granting the requested waiver will not adversely affect adjacent property owners. The applicant has designed the proposed project in such a way to minimize the any impact on surrounding properties. The press box, restrooms and concessions are all located within one building which is proposed near the center of the site and away from neighboring properties.

**Waiver "A"** is located along the railroad right to way with commercially zoned properties on the other side of the railroad right of way.

**Waiver "B"** is located between the existing drive and one single family residentially zoned and used property. This section of property is only about 60 feet wide. Since MSD is using the other side of the property (**where Waiver "C" is requested**) as a stockpile area we are proposing a 15 feet wide landscape buffer area on the resident side with a six foot tall solid screening fence and the required plantings. **Waiver "B"** is only a dimensional waiver. However, **Waiver "C"** is dimensional as well as a request to waive the required plantings. The solid six foot tall screening fence is proposed. Finally the proposed parking in this area is directed towards the MSD property and away from the resident. The site and parking area will be gated and locked when the site is not in use. **Waiver "D"** is along the southern property line and is situated adjacent to a large acreage tract. The owners of this acreage tract are providing the use of 50 feet in width or approximately one acre of their property to help make this project happen. This demonstrates that they are clearly in support of the plan and waiver.

Further the applicant has had two neighborhood meetings to discuss this proposal with no objections from the neighborhood.

**2. Will the waivers violate the comprehensive plan?**

Granting the requested waiver will not violate the comprehensive plan. As stated above the applicant has held two neighborhood meetings, with no objections from the neighborhood. The subject site is a former trailer park, and being frequently used illegally (by others) as a

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dumping ground for trash and debris. The proposed use is a good alternative use or adaptive reuse for this site because it serves a nearby Church as well as cleans up a difficult situation for the neighborhood, which is promoted by the comprehensive plan.

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

The applicant has taken great care to minimize the impact on surrounding properties through the design of the proposed project. The waivers requested have are the minimum necessary to develop this project.

**4. *Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with 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?***

As stated above the applicant has designed the site in such a way that the most intense activities such as restrooms, concessions, and the press box are situated away from adjoining neighbors. In many areas the green space exceeds the required landscape buffer areas.

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