

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, pavement already exists in the proposed LBA encroachment area. The proposed development is designed as a direct extension of the existing drive lane (El Conquistador Place) that serves the adjacent condominiums. Proposed landscaping within the proposed encroachment area will enhance the visual appeal of the area compared to the pre-development condition.

2. Will the waiver violate the Comprehensive Plan?

No, transition between the development areas will be improved.

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

Yes, the applicant is proposing minimal changes to the existing condition along El Conquistador Place. The developer is proposing landscape areas along the proposed parking lot in compliance with the LDC; however, the proposed landscaping is not located along the existing boundary due to the existing conditions.

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 strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land. The applicant simply proposes to maintain the existing private drive (El Conquistador Place) and create points of ingress/egress necessary to provide adequate access for the proposed use. The applicant is providing landscaping along the existing drive.

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