

VARIANCE JUSTIFICATION - 1

Comment # / Section

338173 / 5.2.5.C.4.b – **Variance** to allow max. Building Height above allowable 45' required.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The proposed height of the sports complex will be 65' at the highest and 41'-45' at the eaves along 30th street as there is a 4' grade change along the street. The building will actually provide shade along the sidewalk along 30th street increasing the public comfort in the area. The proposed height is typical of structures of this type and a lower building height would not be able to accommodate the proposed uses/program for the community. The proposed sports facility will provide the public with opportunities to participate in sport and healthy activities/educational events.

2. Explain how the variance will not alter the essential character of the general vicinity.

The proposed athletic facility height and size of the building is not out of character with the adjacent industrial buildings and large Baptist tabernacle across the street along 30th, and is similar in scale to the 5-story superior box co. building to the south across the street from Muhammad Ali. It is also approximate in height to the previous Tobacco building that was previously on the site.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The building height at 65' max height will provide more shade and interest along 30th street and not impede or interfere or create a hazard or nuisance with adjacent neighborhood or businesses.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance is not unreasonable as it will allow for the reuse of a vacant brownfield lot and the revitalization of a number of adjacent neighborhoods with minimal harm.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The Sports and Learning Complex will be a world-class track and educational facility and because of the special requirements unique to such a facility, the requested variance would allow for a building that can accommodate the proposed program for the benefit of the revitalization of the neighborhood and West End community.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The application of the provisions of this regulation would create an unnecessary hardship as it would prevent a stand sport facility building of this type to be actualized.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

Yes, this is new construction to an existing site.

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VARIANCE JUSTIFICATION - 2

Comment # / Section

338166 / 5.5.1.A.3.a – **Variance** to allow parking within 25' setback

1. **Explain how the variance will not adversely affect the public health, safety or welfare.**
The variance would not adversely affect the public health, safety or welfare as there will still be a 10' landscape buffer of trees and shrubs to the right of way on the south side along Muhammad Ali and along the north side along Market Street there are trees and an existing fence and wall.
2. **Explain how the variance will not alter the essential character of the general vicinity.**
Currently the sites to the south are a vacant lot with overgrown shrubbery and to the north the adjacent site is a car lot/repair yard. We've also taken care to locate the parking lots as close to the railroads on the west side to allow proposed buildings to occupy the prime space along 30th street and the corners for future development.
3. **Explain how the variance will not cause a hazard or a nuisance to the public.**
We have been careful to develop a parking strategy that is safe, convenient, accessible, and does not create hazard or nuisance to the public by providing landscape screening on the southside lot along Muhammad Ali.
4. **Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**
The variance is not unreasonable as it allows us to provide enough parking for the proposed Athletic Facility users and for the reuse of a vacant brownfield site and the revitalization of a number of adjacent neighborhoods with minimal harm.

Additional consideration:

1. **Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**
Due to the large spatial needs/requirements of a 400m outdoor track and large indoor track facility, the space requirements left over for adequate parking during events means that we had to use every available SF to be able to meet the parking requirements.
2. **Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**
The application of the provisions of this regulation would create an unnecessary hardship as it would prevent us from providing much needed parking especially during peak event times. Though we are providing more spaces than the current minimum allows, we currently are providing just enough.
3. **Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**
Yes, this is new construction to an existing site.

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VARIANCE JUSTIFICATION - 3

Comment # / Section

338172 / 5.5.1.A.2 – **Variance** to permit phase 1 building to not be located within 5' of corners as future developments Phase 2 & 3 buildings should satisfy this regulation.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The phase 1 Sports and Learning Complex is intended to be a vital facility in rejuvenating and improving the health and education of the neighborhood and community. As such, it's location at the center of the site is key as a nexus of activity and community focus and it will also allow for future phases 2 and 3 to develop future retail and hotel/retail at the immediate corners of 30th and Market and 30th and Muhammad Ali.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance will not alter the character established by the neighborhood as it is intended to only be a temporary condition where future phases of development will satisfy the regulation. It is our opinion that the current masterplan which includes a full development of the block, is in character with good urban practices of great walkable streets with retail/hotel buildings at primary corners.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The location of the buildings away from the street frontage is part of an innovative masterplan that will create open and useful public spaces and synergies between the neighborhood and will not cause any sort of nuisance or hazard.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance is not unreasonable as it allows us to develop a Phase 1 Athletic Facility for community users and will make an important immediate impact on the neighborhood and will encourage future development opportunities on and near the site.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The Sports and Learning Complex developers have created our parcel as part of an innovative design of the entire 24 acre site that responds to the presence of two large main sewer lines bifurcating the property which creates numerous design challenges, not least of which is siting of the primary athletic facility structure which has a large footprint.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The application of the provisions of this regulation would create an unnecessary hardship as it would prevent the full actualization of the phased masterplan which takes into account the future development parcels at the corners of 30th and Muhammad and 30th and Market.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

Yes, this is new construction to an existing site.

WAIVER JUSTIFICATION - 1

Comment # / Section

338174 / 5.5.1.A.3.a – **Waiver** to allow parking in front of building

228175 / 5.5.1.A.3.a – **Waiver** to provide shrub hedge as substitute to masonry wall along south parking lot (north parking lot already has existing concrete wall)

1. Will the waiver adversely affect adjacent property owners?

No, it will not. Allowing a parking lot on the southwest side of the site along Muhammad Ali Boulevard will allow neighborhood residents, and visitors easy, safe, and functional access to the athletic facilities and will serve as a shared parking spaces for future development at the southeast corner of Muhammad Ali and 30th street. Currently the land south of the site is a vacant lot that is overgrown and abandoned. We are also proposing a hedgerow of shrubs and large canopy trees that would help to mitigate the presence of the parking lot along Muhammad Ali.

2. Will the waiver violate the Comprehensive Plan?

No, the proposed waiver is consistent with the goals and objectives of the Comprehensive Plan. For instance, Goal 1 of the Community Form Traditional Workplace Form District states that is, in part, intended to support the "rehabilitation and redevelopment" and "flexible and creative site design should be encouraged". With the parking located along the railroad tracks, they provide a buffer between an undesirable condition and the masterplan showing retail and athletic complex along 30th street. Goal 2.15-16 states that "parking should reflect the Form District standards to balance safety, traffic, transit, pedestrian and environmental considerations as well as encourage activity centers to be easily accessible by bicycle, car, transit and pedestrian with large activity centers considered for designation as transit nodes." Thus, the overall aim of the Comprehensive Plan and the Traditional Workplace Form District is amply addressed and the waiver does not violate the concepts embedded in the Comprehensive Plan.

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

Yes, part of the design is driven by the reality of two (2) large sanitary sewer lines crossing the site in separate locations parallel to Market Street. In order to meet the design goals of the proposed project and overcome the site constraints in place, this waiver is needed and is the minimum necessary to provide relief.

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?

Yes, the unique and innovative site design that incorporates numerous site enhancements such as a 400m outdoor track available for community use, a verdant and open community green, an active central pedestrian corridor, walking paths, and a neighborhood dining patio all serve to create a regional, if not national, destination for visitors and residents alike and will be the impetus for future redevelopment and revitalization. In addition, strict application of the provisions of the regulation would deprive the applicant of the ability to use the land for a world-class track and field facility.

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WAIVER JUSTIFICATION - 2

Comment # / Section

338187 / 5.5.1.A.1.a – **Waiver** to allow primary entrances to the site face the primary street.

1. Will the waiver adversely affect adjacent property owners?

No, it will not. With the primary entrance at the south corner and orienting itself to the community green and drop-off zone along the internal private drive, the entrance will serve as a beacon to all those arriving at the site whether in car, bus, or as pedestrian. In fact, with the internal drive driving more people to the interior of the site, there should be less congestion on the primary surrounding streets. The primary entrance is not only oriented on the southern community green, but it's proximity to the entrances for the outdoor track facilities to the west and the central pedestrian North/South connector is important as the nexus of activity and convergence for visitors/residents to the site. It's also important to note, that the building has not turned it's back on the activity happening along 30th street as architectural elements of glazing, windows, and material changes, as well as a large community patio space near the junction of Jefferson and 30th street and shade trees in planter beds all serve to address the urban conditions that make the relationship between a building and the street and its surrounding neighborhood a great one.

2. Will the waiver violate the Comprehensive Plan?

No, the proposed waiver is consistent with the goals and objectives of the Comprehensive Plan. For instance, Goal 1 of the Community Form Traditional Workplace Form District states that is, in part, intended to support the "rehabilitation and redevelopment" and "flexible and creative site design should be encouraged". The design team has taken great care to ensure that the building relates well to other nearby buildings, the street, and the site itself and it's entrances made easily identifiable by the majority of it's users who will be entering the site by vehicle and making their way from parking lot to building entrance for events.

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

Yes, in order to better serve visitors to the site, orientation of the entrance has been located where it will be most visible to the greatest percentage of visitors coming to the site and this waiver is needed and is the minimum necessary to provide relief.

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?

Yes, we have additionally incorporated a community patio space and entrances that will provide access to food services, outdoor dining areas, recreation and to a lesser extent, access to the indoor track facility on the 30th street side. In addition, strict application of the provisions of the regulation would deprive the applicant of the ability to use the land for a world-class track and field facility.

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WAIVER JUSTIFICATION – 3
Revised 5/24/19

Comment # / Section

338204 / 10.2.12.b – **Waiver** to permit the exemption of additional ILA bumpouts every 20 spaces in parking lots

1. Will the waiver adversely affect adjacent property owners?

No, it will not. The exemption would only affect the parking lots currently on the property and will have no impact on adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

No, the design still provides ample interior landscape areas (landscape islands) that are greater than the minimum required SF, (2,193 sf, or 4,067sf / per ILA depending on the parking lot) and large trees that will provide the desired canopy coverage to reduce heat island effect of parking lots and shade parked vehicles.

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

Yes, in order to better serve visitors to the site by providing shade and heat-island relief in parking areas, we need this waiver to both provide enough parking spaces for events and balance the need for shade. We feel we are conforming to the spirit of the requirement by providing large, long continuous planters between parking bays to mitigate heat-island and this waiver is needed and is the minimum necessary to provide relief.

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?

Yes, we are providing over 33,000sf of ILA or 11.4%, which is much higher than the required 7.5% and we are providing large shade trees approximately every 5 spaces and also providing trees along the parking lots on both the south and west sides that are not included in the calculations as we feel they are important to the overall comfort and aesthetics of the site. In addition, strict application of the provisions of the regulation would drastically reduce the number of parking spaces and the applicant of providing enough parking for large events and the ability to use the land for a nationally recognized track and field facility.