

# **WAIVER REQUEST FROM DESIGN STANDARDS PURSUANT TO SECTION 1311.03**

## **I. DESIGN STANDARDS**

Pursuant to Article 1311.02 (Design Standards) of the Zoning Ordinance, the following waivers are requested if determined to be necessary:<sup>1</sup>

### **1. Article 1311.05(e) (walls/doors/windows)**

Provides that blank walls without at least one door and one window shall not face an arterial street. Retail stores shall have display windows facing onto street. Such display windows do not necessarily have to be open to the inside of the store, id there are security issues. The windows should have sufficient visibility from the street for security purposes and be inviting to customers.

The elevation plan shows a number of faux windows facing Wyandotte Street and Broadway and this does not preclude the use of faux windows.

### **2. Article 1311.05(i) (rooflines)**

Recommends that new construction have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice or parapet is used.

The proposed roof is not entirely flat and does have breaks in the roofline unlike some of the other surrounding properties which have entirely flat roofs such as the McDonalds, TD Bank and building across the street along Broadway and Wyandotte Street.

### **3. Article 1311.05(f) (visibility of loading docks)**

Prohibits tractor-trailer truck loading docks and service areas from being visible from any street frontage.

---

<sup>1</sup> The Applicant believes that many of these standards have been incorporated and that the Sketch Plan is compliant but to the extent the City thinks otherwise, modifications are being sought.

The Property is bounded by streets on three sides and, therefore it is virtually impossible to have no visibility from any street. However, significant landscaping and walls are being provided to screen the loading dock.

#### **4. Article 1311.10(g)(architectural details)**

Provides that overly modernistic or blank buildings devoid of details should be avoided when adjacent to buildings having architectural details.

The proposed architecture incorporates many features and details which are not the standard prototype for AutoZone and which are a vast improvement to the existing site conditions (the existing property contains multiple buildings none of which are compliant with any of the design standards). There are a number of buildings in the surrounding area that do not have any significant architectural details so arguably this article may not apply but to the extent it does, considerable effort has been invested in the proposed architecture.

#### **5. Article 1311.04.b (parking in the rear)**

Requires that surface off-street parking and any garage doors be located to the rear of the side of principal buildings, as opposed to being newly placed between the front lot line along a street and the front wall of a new principal building.

Because the Property has three frontages, it is difficult to comply with this Article as to all parking. The proposed plan reduced parking spaces along the northeast side of the site near Broadway and bicycle parking is provided at the north side of the building. In addition, a 4' decorative wall and landscaping have been provided fronting Broadway and landscaping provided fronting Wyandotte Street. Although the Zoning Ordinance does not require a minimum amount of parking, AutoZone must maintain a minimum level of parking to make the project viable so that the user has sufficient parking for its use and the plan shows the minimum amount of spaces necessary for operation purposes.

#### **6. Article 1311.10.m (building height)**

Requires a buildings height compatible with existing surrounding buildings and avoiding one story buildings where existing structures are 2 stories or higher. If a 2 story building is not possible, the appearance of a 2 story building should be designed.

The proposed schematic elevation employs architectural features which appear as a two and one-half story building consistent with some of the

structures on the 400 block of Broadway and, therefore, does satisfy the intent of this article.

#### **7. Article 1311.08.c (parking and driveways)**

Requires that parking areas be well-screened from the street by landscaping.

The proposed plan does provide for significant landscaping areas between the buildings and fronting the streets and also provides for a 4 foot high decorative screening wall fronting Broadway. It is virtually impossible to completely screen all parking areas from streets given the Property is bounded by three streets.

#### **8. Article 1311.10.d (pedestrian access)**

Provides that individual buildings and pedestrian entrances and parking areas shall be laid out to promote pedestrian access among different uses.

The proposed plan provides a private sidewalk from the public sidewalk from Broadway to the front entrance which appears to satisfy this requirement.

To the extent that modifications are required, the Property does have some unique characteristics to support the request including the unique shape of the Property and that fact that it is bounded by three streets. Also, the property currently contains several existing buildings which are non-conforming to the design standards and the proposed project will not only decrease the non-conformities but will substantially improve the overall appearance of the site.

### **II. OTHER ORDINANCE PROVISION FOR DISCUSSION**

#### **1. Article 1306.05 (Build-To Line for Front Building Setback)**

Requires where more than 70 percent of the lots on the same block are already developed with principal buildings, and the block includes more than 3 lots, and where the Zoning Officer determines that a minimum of 60 percent of the lots on the same side of the block have a front yard building setback that is consistent or that varies by no more than 5 feet from the average existing front yard setback along such block, then if a new principal building is proposed, the front building wall of such new building shall have a front yard building setback that is not more than 5 feet larger and not less than 5 feet smaller than such average front yard setback.

The Applicant believes the proposed plan is compliant with this Article given that most of the houses along Broadway are orientated the same (parallel to the side yard) as the proposed building which would seem to be meeting the intent of this ordinance. Also, there are several existing buildings on the property which are legally non-conforming as to this requirement and the proposed building if determined to not be fully compliant would be located such that there would be a reduction in the existing non-conforming condition.

Respectfully submitted

RILEY RIPER HOLLIN & COLAGRECO



By: Debra A. Shulski, Esquire  
Attorney for Applicant