

**1. Section 18.20.140 – Frontage Buildout (2<sup>nd</sup> Column) & Section 18.15.115.C -Street Frontage Area**

Requirement: 80% of the frontage include the building façade (frontage includes 44 feet from right-of-way) (Section 18.20.140). Street frontage for Design Category 3 must be a maximum of 15 feet away from the property line (Section 18.15.115.C)

*Proposal: The proposed project has 660 feet of frontage along Mur-Len Road. Buildings 1 and 14 have a total of 422 feet of building façade within the front yard, which equals 64% of the frontage length. The outdoor seating area on the south side of Building 1 is included in the building façade length, since it has a trellis to provide an additional vertical element to this space.*

*Building 1 is setback 20 feet from the property line to allow for patios along the east side that do not overhang the 10 foot utility easement along the property line. Building 14 does comply with the maximum 15 feet. The patios on Building 1 will be activated with seating to allow them to be counted towards the minimum Site Design Category 3 frontage area as defined in 18.15.115.D.*

The approving authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

**(a) An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.**

*RESPONSE: The applicant is proposing an outdoor seating space along Mur-Len Road and landscape/feature walls that will activate this frontage.*

**(b) Development restrictions imposed on the property to ensure low impact land uses, low scale buildings and a site design arrangement in which adjoining residential properties will not be negatively impacted by any change in the applicable regulations.**

*RESPONSE: Less building frontage to Mur-Len does not impact the adjoining residential properties.*

**(c) Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.**

*RESPONSE: Not applicable.*

**(d) Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by a change in the applicable regulations.**

*RESPONSE: Not applicable.*

**(e) The regulation impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design and building arrangements are not possible. In such instances, findings shall be prepared that:**

**(i) No private rights will be injured or endangered by the waiver.**

**(ii) The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.**

*RESPONSE: The buildings on the site have been sited as best as possible to meet the requirement. Distance was left along the north and south property lines to save the trees adjacent to the neighbors. Additionally, the only access to the site is from Mur-Len, which leaves frontage that can't be taken up in building frontage. These conditions leave an unnecessary hardship for the owner that are unique to the property. There will also not be any rights lost or public safety lost by granting this waiver.*