

# MEMORANDUM

**Date:** 11/24/17  
**To:** Ms. Ginny Haller, Planner II  
**From:** Owen Trepanier  
**Re:** **801 Eisenhower Drive**  
**Addendum to Project Analysis**



Hi Ginny,

I know we've discussed the fact that this property is an existing nonconformity with regard to landscaping, open space, buffers, etc. and the proposed development is making significant improvements, as depicted on the plans. As such, the policy of the City has always been that no variances or waivers are required when such improvements are proposed. Notwithstanding, and in an abundance of caution to avoid any future confusion, we submit the following request for modification to Ordinance 97-10 (aka a landscape waiver).

Pursuant to Sec. 108-517, this is a formal request for modification to the standards of Ordinance No. 97-10, to allow the development as depicted on the associated development plans. This request is hereby filed with the city planning office.

This request is to modify landscape requirements of Sec. 108 because proposed landscaping, and associated mitigative techniques, are not contrary to the intent of the applicable regulations and a literal enforcement of the standards would be impractical. The property is an existing nonconformity relative to open space, screening, buffers and landscaping. Significant improvements, as depicted on the plans, are proposed to open space, screening, buffers and landscaping is proposed.

This request is to waive the below cited landscape requirements of Sec. 108 in compliance with the following:

1. Protect and preserve the integrity of the existing site.
2. The waiver will not have a significant adverse impact on the public interest, or on adjacent property.
3. The waiver or modification is not discriminatory, considering similar situations in the general area.
4. The development will provide an alternative landscape solution which will achieve the purposes of the requirement through clearly superior design.
5. Strict application of the requirement will effectively deprive the owner and the community of reasonable use of the land for the intended purpose due to its unusual size, shape, and location.
6. The effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case.
7. Strict application of the requirement would be technically impractical.