

EXHIBIT C - RESPONSES TO STANDARDS FOR GRANTING A VARIANCE

1. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan:

The variance to allow a drive-through facility within forty feet of a residential area and eliminate a by-pass lane is in harmony with the intent and anticipated uses in the City's Southwest Community Area Plan for properties directly abutting Route 59. The trend of development along the Route 59 anticipates mixed use commercial developments along the intense principal arterial roadway and eventual phasing out of older single family residences. Further, the distance from a drive-through facility to the closest single family residence is approximately 40 feet with the property line fully landscaped.

2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district:

Absent the variance Martinez Property could not be developed in harmony with the current and anticipated future mixed use commercial properties abutting Route 59 as the property directly abuts unincorporated residentially zoned property.

3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The character of properties directly abutting Route 59 has drastically changed over the years from a two lane rural single family environment to an intense 6 lane commercial shopping center district. The uses allowed along Route 59 will continue to serve as a transitional buffer to any remaining single family residence to the east of Route 59.

EXHIBIT 7: Section 6-3-6:2:

Standards for Granting a Zoning Variance

Variance from 6-9-6:2.3.1 Supplemental Standards for Drive-Through Stacking Lanes:

Stacking Lane Design

1. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan:

The variance to allow a drive-through stacking lane which may block access to restricted diagonal employee parking spaces along the rear of the building is in harmony with the intent of the City's Southwest Community Area Plan for properties directly abutting Route 59 because such a variation will allow for those uses anticipated in the Area Plan.

2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district:

Because of the unique depth and configuration of the Martinez property which is different from the surrounding commercial shopping center uses the requirement of a drive-through stacking lane completely separated from restricted employee diagonal parking spaces along the rear of the building is impossible. The variation and current design of the stacking lane will not impede or block any public parking spaces thereby maintaining circulation, ingress or egress to the property.

3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The character of properties directly abutting Route 59 has drastically changed over the years from a two lane rural single family environment to an intense 6 lane commercial shopping center district. The variation allowing for the drive-through stacking lane to be co-located adjacent to the restricted employee diagonal parking along the rear of the building will not be a substantial detriment to adjacent properties as traffic circulation will be maintained without any impact upon adjacent properties.

EXHIBIT 7: Section 6-3-6:2:

Standards for Granting a Zoning Variance

Variance from 6-9-5:4 Schedule of Off-Street Loading Requirements:

Loading Class No.4—Retail and Wholesale Trade

1. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan:

The variance to eliminate one loading berth while maintaining adequate circulation through and around the property by having restricted employee diagonal parking along the rear of the building is in harmony with the intent and anticipated uses in the City's Southwest Community Area Plan for properties directly abutting Route 59 because such uses may not always require a loading berth.

2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district:

The main use of the property will be the Petitioner's retail showroom which will not entail deliveries so the loading berth requirement is not necessary. Additionally, because of the unique depth and configuration of the Martinez property which is different from the surrounding commercial shopping center uses a separate loading berth is not practical. Further, should the future tenant for the remaining minimal space need deliveries the rear of the building will have restricted employee diagonal parking which can be utilized for deliveries without impeding circulation or blocking traffic patterns.

3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The character of properties directly abutting Route 59 has drastically changed over the years from a two lane rural single family environment to an intense 6 lane commercial shopping center district. The reduction of the one loading berth together with the restricted employee diagonal parking will not be a substantial detriment to adjacent properties as circulation, ingress or egress to the property will be maintained without any impact upon adjacent properties.