



Legislation Details (With Text)

**File #:** 23-0593B      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 5/18/2023      **In control:** City Council

**On agenda:** 6/6/2023      **Final action:**

**Title:** Pass the ordinance approving a conditional use and setback variance for 4003-4083 S Route 59 (Saddlewood Commercial Complex) - PZC 23-1-004

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - legal, 3. Exhibit B - site plan, 4. Exhibit C - conditional use response to standards, 5. Exhibit D - variance request response to standards, 6. Development Petition, 7. Final Engineering Plans, 8. Final Landscaping, 9. Building Elevations, 10. Photometric Plan, 11. Preliminary-Final Plat (INFO ONLY), 12. PZC Meeting Minutes 5-17-23 DRAFT

Date	Ver.	Action By	Action	Result
6/6/2023	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a conditional use and setback variance for 4003-4083 S Route 59 (Saddlewood Commercial Complex) - PZC 23-1-004

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Adam Beaver, AICP Candidate, Community Planner

**ENTITLEMENTS REQUESTED:**

1. A conditional use pursuant to Section 6-7B-3:3 (B2 Community Shopping Center District/Conditional Uses) for a Daycare use in the B2 district at the Saddlewood Commercial Complex.
2. A variance to Section 6-9-2:4.3.1 (Off Street Parking Facilities) to permit parking within the 30' setback along Alice Ln.

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 23-1-004 on May 17, 2023 and recommended approval of the requests (approved 6-0). Staff concurs.

**BACKGROUND:**

The subject property is located on Route 59 between 103<sup>rd</sup> Street and Alice Lane. It consists of a 3.22 acre parcel that includes an existing commercial center and a currently unimproved adjacent lot that will be consolidated with the property through an administrative plat of subdivision. The plat will be reviewed and approved administratively.

The petitioner requests approval of a conditional use for a daycare on the subject property, pursuant to Section 6-7B-3:3 (B2 Community Shopping Center District/Conditional Uses) of the Municipal Code.

The petitioner is also requesting approval of a variance to Section 6-9-2:4.3.1 (Off Street Parking Facilities) to permit parking within the 30' corner side yard setback along Alice Lane.

**DISCUSSION:**

**Conditional Use:**

The petitioner is requesting conditional use approval for a proposed daycare use at the subject property. The daycare would occupy approximately 10,615 square feet of the approximately 33,091 square foot center as well as approximately 4,980 square feet of outdoor space. With the additional parking that the petitioner is proposing, there would be sufficient parking available for this use, including 11 spaces that are designated for drop off/pick up adjacent to the proposed daycare space.

The City's Land Use Master Plan identifies the future place type for the subject property as Neighborhood Center. Staff finds the proposed use to be compatible with this designation as a key consideration in the Neighborhood Center classification is the allowance of a mix of uses that support the adjacent neighborhoods. The petitioner has stated that the proposed daycare will provide much needed childcare services to area.

**Setback Variance:**

The petitioner is requesting approval of a variance to allow parking within the 30' corner side yard setback along Alice Lane. Municipal Code Section 6-9-2:4.3.1 (Off Street Parking Facilities) states that parking facilities may be located in any yard except the required front yard and corner side yard. With the properties across the street from the subject property being residential, the 30' corner side yard setback is required in the B2 zoning district. The petitioner is proposing to locate ten parking spaces that are located approximately nine feet from the property line, an encroachment of approximately 21 feet into the required setback.

The requested variance would allow for the petitioner to provide the number of parking spaces that are required by Code on the property. The proposed parking spaces would also align with the existing parking on the property further east along Alice Lane, providing a consistent setback. The petitioner has also stated that if the setback were to be met, there would be concerns regarding traffic circulation and safety due to the layout that would be required. Adequate screening is proposed for the parking spaces that fall within the setback to screen them from the residential uses across the street.

Staff is in support of the requested variance.

**Plat of Subdivision**

The Plat of Subdivision is included in the attachments for informational purposes only and will be reviewed and approved administratively by staff.

***Findings of Fact***

The petitioner's responses to the Standards for Granting a Conditional Use and responses to the Standards for Granting a Variance can be found in the attachments. Staff is in general agreement with the petitioner's findings and recommends their approval by the Planning and Zoning Commission.

***Planning and Zoning Commission Action***

The PZC conducted the public hearing to consider PZC 23-1-004 on May 17, 2023. No members of the public provided testimony on the request. Commissioner McDaniel inquired why staff is in general agreement with the petitioner's response to standards. Staff confirmed that it agrees the overall responses, but may not agree with some word choices by the petitioner. After limited discussion, the PZC closed the public hearing and voted to recommend approval of the petitioner's request (approved 6-0). Staff concurs with the recommendation.

**RELATED FILES**

N/A

**FISCAL IMPACT:**

N/A