



Legislation Details (With Text)

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**On agenda:** 2/15/2022      **Final action:** 2/15/2022

**Title:** Pass the ordinance granting a variance to reduce the amount of required off-street parking for the property located at 2012 Corporate Lane unit 140 - PZC 21-1-133

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat of Survey, 4. Exhibit C - Tenant Roster, 5. Exhibit D - Parking Study, 6. Exhibit E - Detailed Description of Variance Request, 7. Exhibit F - Response to Standards, 8. Application, 9. Tenant Roster, 10. Floor Plan, 11. PZC Meeting Minutes 2-2-22 - DRAFT

| Date      | Ver. | Action By    | Action | Result |
|-----------|------|--------------|--------|--------|
| 2/15/2022 | 1    | City Council | passed |        |

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a variance to reduce the amount of required off-street parking for the property located at 2012 Corporate Lane unit 140 - PZC 21-1-133

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Community Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) opened the public hearing for PZC 21-1-133 on February 2, 2022 and provided a positive recommendation (approved 7,0).

**BACKGROUND:**

The subject property is located at the northwest corner of Ferry Road and Corporate Lane and is zoned ORI (Office Research and Light Industry District). The parcel is approximately 11 acres in size and is improved with a 188,333 square foot mixed use industrial and office building and 238 associated parking spaces.

The petitioner, 2012 Corporate Lane LLC, is requesting approval of a parking variance in order to reduce the number of required parking spaces to allow a fitness facility known as Shoot 360 to occupy unit 140.

**DISCUSSION:**

The petitioner has submitted the attached detailed description of the variance request which describes Shoot 360 as a basketball training facility that provides 90% individual instruction. The

remaining 10% of the use is a 3-4 student instructional class which is scheduled 2-3 times per week, usually on the weekends. Based on the submitted description of Shoot 360, the use is defined as a fitness facility and is a permitted use in the ORI zoning district.

The petitioner has submitted the attached tenant roster providing details of the existing tenants within the building and the square footage that they occupy. The existing businesses within the building include a mix of office and general distribution users. Per code section 6-9-3 (Schedule of Off-Street Parking Requirements), a fitness facility is required to provide four parking spaces per 1,000 sf. Unit 140 is 21,460 sf in size which requires 86 parking spaces to be provided ( $21,460/1000 * 4 = 86$ ).

The existing businesses which occupy the building as identified in the tenant roster along with the code required parking spaces are included in the table below. The code required number of parking spaces amounts to a total of 444 parking spaces. There are 238 parking spaces at the subject property which results in a deficit of 206 parking spaces.

| Unit | Building Use                             | Sq. Footage | No. of Spaces Required Per Code (per 1,000 sf) | Parking Required |
|------|--|-------------|--|------------------|
| 108  | Regulus Integrated Solutions (Warehouse) | 9,885       | 1  | 10               |
| 108  | Regulus Integrated Solutions (Office)    | 41,096      | 3.3  | 136              |
| 116  | Cable Plus                               | 34,717      | 1  | 35               |
| 120  | UltiFit                                  | 13,662      | 4  | 55               |
| 124  | Choice Manufacturing Parts               | 19,349      | 1  | 19               |
| 128  | Sportco                                  | 14,446      | 2.5  | 36               |
| 132  | Front Line Sales                         | 24,078      | 1  | 24               |
| 136  | National Wholesale Trade                 | 9,640       | 4.5  | 43               |
| 140  | <i>Subject Unit - Shoot 360</i>          | 21,460      | 4  | 86               |
|      | <b>Total Building Size</b>               | 188,333     | <b>Total Parking Required:</b>                 | 444              |
|      |  |             | <b>Total Parking Provided:</b>                 | 238              |
|      |  |             | <b>Deficit:</b>                                | 206              |

The hours of operation for Shoot 360 are 1pm - 9pm Monday through Friday, 10am - 6pm on Saturday, and 12pm - 6pm on Sunday. The petitioner has submitted a parking study to support the requested parking variance. The study contains detailed parking counts of the existing number of spaces occupied onsite during various times over a one-week period. The majority of the times studied were selected as they have been identified to be the peak times of usage at other existing Shoot 360 sites. Per the parking study, the average number of spaces occupied is 49 parking spaces and the average number of vacancies is 188 parking spaces. The highest number of parking spaces occupied was on Tuesday at 2pm with 97 cars and 141 vacant parking spaces.

In addition to the parking study, the petitioner has included information about the business including parking counts from other existing locations within the detailed description of the variance request (attached). According to the petitioner, existing Shoot 360 businesses have a range of 16-25 students

at one time. On weekday peak hours (4pm - 8pm), the typical parking usage is 10-15 parking spaces occupied and on weekends during the peak period (early to midafternoon), the typical parking usage is less than a dozen spaces. The highest number of parking spaces occupied per the parking study (Tuesday at 2pm) is during an off-peak hours for Shoot 360.

As identified in the table above, the parking deficit for the subject property is 206 parking spaces and the proposed Shoot 360 tenant requires 86 parking spaces per code. As such, the parking deficit is not entirely caused by the proposed tenant rather the existing mix of tenants are existing nonconforming with the code required parking (subject to the existing nonconforming regulations per Section 6-10) except for UltiFit (occupying suite 120) is subject to regulations noted in the existing ordinance (Ordinance #17-041). The parking variance request under consideration is only pertaining to the evaluation of the impact the proposed tenant may have on the existing mix of users at the subject property. Based on the information provided, the use is concentrated in the early evenings and on weekends which is counter to the existing businesses that operate during traditional business hours Monday through Friday. Therefore, the proposed business will not contribute to the office peak hours of operation onsite.

Upon review of the response to standards, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission subject to the proposed condition noted below.

### ***Planning and Zoning Commission***

The PZC opened the public hearing for PZC 21-1-133 on February 2, 2022. Staff clarified that following publication of the Staff Report, the petitioner requested a modification to the condition of approval requiring the tenant be responsible to take adequate measures to meet the parking needs (instead of it being the responsibility of the property owner). Staff agreed with a modification to the condition to require the tenant work with the property owner and take any adequate measures as needed to meet the parking needs. The condition of approval has been updated below with this modification. No members of the public spoke on the request. The PZC voted to approve the variance request with the condition proposed by staff as amended during the meeting (approved 7,0).

### ***Proposed Condition of Approval***

If the City's Zoning Administrator determines that the tenants' parking needs cannot be accommodated within the parking on the subject property, the tenant shall take adequate measures and work with the property owner to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each tenant space, limiting business hours of operation, constructing additional parking spaces and/or establishing an overflow parking location off-site, as necessary, which shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to accommodate tenant parking needs may result in the City's revocation of the parking variance. This is included as a condition of approval in the ordinance.

### ***Key Takeaways***

- The petitioner requests a variance to reduce the amount of required off-street parking for the subject property located at 2012 Corporate Lane to allow for an athletic training facility to occupy unit 140.
- Staff and the Planning and Zoning Commission are in support of the parking variance request subject to the proposed condition noted above.

### **FISCAL IMPACT:**

N/A