



## Legislation Text

File #: 19-1079, Version: 1

**ZV 2019-06, Walmart #5932**, 2201 N University Drive, variance request. (Dean)

### **SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:**

Vance Bindley, as agent for owner, is requesting a variance to allow ten (10) short-term parking spaces for Walmart at 12800 Pines Boulevard instead of the allowed three (3) short-term parking spaces. Walmart is considered a free-standing building, and therefore, is limited to three (3) short-term parking spaces per City Code.

The approved Walmart Site Plan (SP 2010-07) shows 695 total parking spaces provided for the 140,450 sq. ft. building with an attached garden center. 124 of these parking spaces are allocated to the adjacent commercial parcel to the east, leaving 571 parking spaces for Walmart. Current parking requirements for retail are 3.5 parking spaces per 1,000 sq. ft. of building area or 492 required parking spaces based on use. Currently there is a surplus of 79 spaces on the site.

To construct the short term parking spaces, Walmart will lose 3 spaces, thus reducing the total parking on site to 692 spaces with a surplus of 76 spaces. A future Miscellaneous Plan submittal, with all details of any proposed changes to colors of the building, proposed awnings, signage, etc. will be submitted to the Planning and Zoning Board for consideration.

### **VARIANCE REQUEST DETAILS:**

**ZV 2019-06)** Allow ten (10) short-term parking spaces instead of the allowed three (3) short-term parking spaces.

*Code Reference:* §155.521 AMOUNT OF OFF-STREET PARKING REQUIRED.

(H) Short-term parking may be permitted within non-residential properties with approval from the City Manager or his/her designee subject to the following provisions:

(1) Outparcel buildings and free standing buildings of over 3,000 square feet of gross floor area may be permitted a maximum of three short-term parking spaces.

### **VARIANCE DETERMINATION:**

The Planning and Zoning Board shall not grant any non-single-family variances, permits, or make any decision, finding, and determination unless it first determines that:

1. Its decision and action taken is in harmony with the general purposes of the zoning ordinances

of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

2. In the granting of variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:
  - A) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
  - B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
  - C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.