



Legislation Text

File #: 22-0502, **Version:** 1

ZV 2022-0009, Additional Outparcel @ Pembroke Commons, 300 - 700 N University Drive,
variance request. (Dean)

SUMMARY EXPLANATION AND BACKGROUND:
PROJECT DESCRIPTION / BACKGROUND:

Sean McPeak, agent for Pembroke Commons Shopping Center, is requesting two zoning variances for a proposed outparcel.

Zoning Variance #ZV 2022-0009 is to allow four (4) outparcels on a total site area of 30 acres instead of the required one (1) outparcel for every ten acres of total site area; and Zoning Variance #ZV 2022-0010 is to allow 293.75 lineal feet of street frontage per outparcel instead of the required 500 lineal feet of street frontage per outparcel.

The applicant has submitted a conceptual site plan to provide context and display the general location of the proposed outparcel. Depending on the outcome of the variances, the final Site Plan may need to be altered.

WRI JT Pembroke Commons had previously submitted three (3) Zoning Variances, ZV 2018-02, 03 & 04 for an Arby's outparcel. These variances were approved for Arby's only and became void when Arby's withdrew their project.

CODE REFERENCE:

ZV 2022-0009)

Table 155.644: Commercial Outparcel Standards:

- (A) Number of outparcels. All of the following provisions apply to new or redeveloped outparcel developments.
 - (1) There shall be no more than one outparcel for every ten acres of total site area.

VARIANCE DETERMINATION:

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

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.

In the granting of non-single-family residential variances, the Board shall follow Section 155.301(O) Variance:

1. Purpose: To allow for the provision of relief from certain development standards of this LDC for one or more of the following reasons:
 - a) 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) 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) 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.