



Legislation Text

File #: 18-339, **Version:** 1

TO: Mayor and Commissioners
FROM: Timothy Stillings, Planning and Zoning
THROUGH: Mark R. Lauzier, City Manager
DATE: June 5, 2018

WAIVER REQUEST TO REDUCE THE MINIMUM REQUIRED FLOOR AREA OF 6,000 SQUARE FEET FOR PARCEL C, NEW CENTURY COMMONS PLAT, LOCATED AT 500 WEST LINTON BOULEVARD.

Recommended Action:

Motion to approve the waiver request to reduce the minimum floor area for Building C on Parcel C from 6,000 square feet to 3,340 square feet, by adopting the findings of fact and law contained in the Staff Report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations Section 2.4.7(B)(5).

Background:

The request is for a waiver to the minimum building size (6,000 square feet) for the existing bank (3,340 square feet) located at the northeast corner of the New Century Commons development at 500 West Linton Boulevard. Although the building is existing, the request is necessitated by an associated proposed plat, which will split the parcel into three parcels (one parcel for each existing building). Pursuant to LDR Section 4.4.12(F)(2), Development Standards for the PC zoning district, "any free-standing structure shall have a minimum floor area of 6,000 square feet; shall be architecturally compatible with other structures, shall take access from the interior circulation system of the development and shall be able to meet all code requirements if it were to be situated on an outparcel."

The subject property is located on the south side of West Linton Boulevard between SW 4th Avenue and Lavers Circle and is zoned Planned Commercial (PC). The original Costco development was removed in 2007 to accommodate construction of the New Century Commons development. The New Century Commons development consists of three buildings: Building A contains 260,644 square feet with a mix of retail uses, including two anchor tenants; Building B contains 7,740 square feet with multiple retail tenants; and Building C contains 3,340 square feet for a bank with a drive-thru.

WAIVER FINDINGS

Pursuant to LDR Section 2.4.7(B)(5), Findings, prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

In consideration of the waiver findings, the request to permit a reduced amount of square footage will not adversely affect the neighboring area, impact the provision of public facilities, or create an unsafe situation in that the building exists and the waiver is necessitated by the splitting of the primary parcel. While the granting of a special privilege may be considered, the size of the building is an existing condition and, as such, other similar requests would be supported. The parcel will continue to function as a unified development with cross-access between parcels and shared parking throughout. Further, a "Declaration of Restrictions" has been recorded which ensures maintenance of the entire property among all property owners. If the parcel were to be redeveloped, then compliance with the applicable regulations at that time would be required. Based on this review, positive findings can be made with respect to LDR Section 2.4.7(B)(5).

City Attorney Review:

City Attorney recommends...

Funding Source/Financial Impact:

N/A

Timing of Request:

The final plat cannot be approved unless a waiver to minimum building size request is approved.