



## Legislation Text

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**File #:** 18-367, **Version:** 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning and Zoning  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** July 10, 2018

WAIVER REQUEST TO REDUCE THE MINIMUM REQUIRED FLOOR AREA OF 6,000 SQUARE FEET FOR TRACT C, LINTON OAKS SQUARE PLAT, LOCATED AT 16000 SOUTH MILITARY TRAIL. (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Motion to approve the waiver request to reduce the minimum floor area for a gasoline station with convenience mart on Tract C from 6,000 square feet to 2,538 square feet by 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 proposed building (2,538 square feet) located on Tract C of Linton Oaks Square. The subject property is located at the southeast corner of the intersection of West Linton Boulevard and South Military Trail and is zoned Planned Commercial (PC). Linton Oaks Square site plan was approved in 1984 including the required conditional use for the 840 square foot gasoline station. The approved shopping center included commercial space, a restaurant, a bank and a gasoline service station. Although, some site modifications have been completed within the shopping center, the same uses are still in existence.

The site contains an existing gasoline station with an 840 square foot convenience store. The request is necessitated as a modification of the existing conditional use for the gas station has been requested that involves the demolition of the existing facilities to construct a larger convenience store and increase the number of fueling stations. The proposed convenience store does not meet the 6,000 square foot floor area minimum for freestanding buildings within the Planned Commercial (PC) zoning district.

### 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 as the use has not changed, impact the provision of public facilities, or create an unsafe situation as the layout is improving vehicular and pedestrian circulation by placing the proposed parking adjacent to the building and separating the fueling from the convenient mart users. While the granting of a special privilege may be considered, a conditional use was previously granted for this use. With this application, the proposed building is larger than the existing building, making it closer to the required minimum square footage than what currently exists reducing the existing nonconformity. Additionally, the proposed improvements are within an existing platted tract that may not be able to support a 6,000 square foot building, parking within the tract boundaries. The tract has restrictive landscape buffers along Linton Boulevard and South Military Trail. As such, other similar requests would be supported. The parcel will continue to function as a part of Linton Oaks Square with existing agreements defining cross-access between parcels and shared parking throughout. Based on this review, positive findings are made with respect to LDR Section 2.4.7(B)(5).

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Site Plan cannot be approved without the waiver of minimum floor area.