



## Legislation Text

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File #: 17-341, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** April 18, 2017

REQUEST FOR A WAIVER TO LDR SECTION 4.6.9(D)(3)(C)(1) TO THE REQUIRED STACKING DISTANCE TO THE FIRST PARKING SPACE FOR A LOT WITH 50 OR FEWER SPACES FOR MOTOR GROUP LOCATED AT 1107 WALLACE DRIVE (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Motion to Approve the waiver request to LDR Section 4.6.9(D)(3)(c)(1) to reduce the required stacking distance to the first parking space for a lot with 50 or fewer spaces from 20' to 11' 1" for the driveway located on SW 10<sup>th</sup> Avenue, by adopting the findings of fact and law contained in the Planning Staff report, and the finding that the request is consistent with LDR Section 2.4.7(B)(5).

### **Background:**

The subject property is 0.45 acres and located south of SW 10<sup>th</sup> Street between Wallace Drive and SW 10<sup>th</sup> Avenue. The property is zoned Light Industrial (LI). The waiver is associated with the development proposal of a 7,558 sq. ft. office /storage building. The proposed use is an automobile brokerage office with the storage of vehicles within the building. Other site improvements include the construction of parking lots fronting on Wallace Drive and SW 10<sup>th</sup> Avenue which accommodates a total of 11 parking spaces; associated landscaping, security perimeter fences and site lighting. Access to the site is via Wallace Drive and SW 10<sup>th</sup> Avenue. Primary access to the site and the main entrance to the building is via Wallace Drive. The driveway for which the waiver is requested is located to the rear of the structure (SW 10<sup>th</sup> Avenue) and functions as a secondary entry drive. This driveway provides access to a six-space parking lot and the loading area within the building.

On March 22, 2017, the Site Plan Review and Appearance Board (SPRAB) recommended approval to the City Commission (4 to 0) to allow a reduction in the stacking distance from the required 20' to 11' 1" for the driveway on SW 10<sup>th</sup> Avenue as a condition of approval of the Class V Site Plan.

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the City Commission shall make a finding 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.

Positive findings for the reduction of the required stacking from 20 feet to 11' 1" with respect to LDR Section 2.4.7(B)(5) are presented in the Planning Staff report. Considerations for support of the waiver included the following:

- A right-of-way dedication of 10 feet is proposed for SW 10<sup>th</sup> Avenue impacting the 20' stacking distance.
- The distance from the property line to the edge of street pavement is 38' 3" effectively providing a stacking distance greater than 20'.
- The reduction in the stacking distance will not affect the neighboring areas or create an unsafe situation, as this parking lot is designed to as a secondary driveway entry with limited vehicular trips.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

The waiver is a condition of approval for the Class V Site Plan approved by the SPRAB.

Attachments:

Board Order

Site Plan Review and Appearance Board (SPRAB) Staff Report of March 22, 2017