



## ITEM REPORT UTILITIES COMMISSION

Agenda Date: 3/4/2026  
Agenda Section: Business Item

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**Department Origination:** Public Works

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**Agenda Item:** Recommend Planning & Zoning Commission Approve the Five Below Conditional Use Permit Amendment and setback Variances with the Condition Outlined in the Staff Recommendations

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**Approval Required:** Simple Majority Vote

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### **BACKGROUND**

Five Below has submitted an application for a Conditional Use Permit to amend joint-access and for front yard setback variances. The building is proposed to be constructed on the south side of the Hobby Lobby building and will be connected to the existing building.

The conditional use permit (CUP) amendment is required to update the joint-access permitted with the existing CUP. The variances are to allow for a building and trash enclosure to be constructed within the 35-foot setback. The building is proposed to be constructed 25 feet from the property line (10' within the setback requirement) and the trash enclosure is approximately 15 feet from the property line.

With the reduced building setback, it creates a shorter distance from the store front to the city street providing concern with vehicles backing up into the city street. The developer has addressed this concern by diverting the pedestrian traffic coming into the store to the north allowing more stacking in front of the store. Additionally, there is a dedicated turn lane on Glory Road for this property, so if the traffic backs up, it will back up in the turn lane and will not impact the flow of the city street.

There is an existing sidewalk on the south side of the building that will be removed with the construction of this building. The sidewalk provides connectivity of pedestrian traffic from the Glory Road/Elder Drive signal to the existing sidewalk in front of the building which connects the business store fronts east of Elder Drive. The developer is proposing a new sidewalk on the south side of their building to provide the same trail connectivity as what is currently in place.

The project improvements remove 44 parking stalls that are not being accounted for anywhere else on site. The Community Development Department has completed a parking stall count, with the cross-access parking, the development still meets the parking requirements.

The application includes a full set of Civil Plans showing the sewer and water services along with stormwater improvements required with the construction of the new building. These improvements require inspection services. The civil plans for the development can be found under the Five Below Escrow Agreement Item in the Utilities Commission packet.

The proposed site design decreases the impervious surface by 5,377 square feet therefore there are no additional stormwater treatment improvements required with this development and no stormwater agreement. The existing stormwater facilities maintenance agreement is sufficient.

**FINANCIAL IMPLICATIONS**

None

**STAFF RECOMMENDATIONS**

Staff recommends approving the Variance with the condition of entering into an Escrow Agreement prior to issuance of a building permit.

**COUNCIL ACTION REQUESTED**

**MOTION** to recommend Planning and Commission approve the Five Below Conditional Use Permit and setback Variances with the condition outlined in the Staff Recommendations.