

Turcotte Butcher's & Delicatessen  
Variance from Parking Requirements  
Additional Sheets

**Description of Hardship**

The Commons was built in approximately the early to mid-1980's in the same configuration it is in today with regard to buildings and parking spaces. At the time of its construction the City had incorporated but had no zoning regulations adopted with parking standards. The Commons has been full with different types of retail, office, and restaurant uses over the last thirty-plus years and at one time had two restaurants (Mexican Louie's and Grand Slam Pizza), the pharmacy, the daycare, a video store, a real estate company, a title company, and a full service grocery store. It is exceptionally hard to fit new ordinance requirements on top of ...(see attached) an existing shopping center that predated any parking regulations. A parking analysis has been done and can be provided to show the current uses, hours and days of operation to show that even at present and with a continuing change in tenants based on market forces and demands of the public, the number of parking spaces remain the same.

**Description of Request & Reference to section of the Code of Ordinances applicable to request:**

DS Code of Ordinances, Chapter 30, Exhibit A, "Zoning", Section 5.7.6 and 5.7.7 are the two relevant sections in question regarding calculation of parking for mixed use buildings and calculating based on most intensive use. In addition, Section 5.7.5, recognizes that a change in use which increases the need for parking by 10% or more only has to provide for the increase in parking over the previous use. (In this case, the previous use, Cricket Wireless, as a retail use required seven spaces. The delicatessen based on the seating/waiting area will require nine (9) spaces; an increase of two (2).)

The request can be based off of either scenario which would be either to request a variance from Sections 5.7.6 and 5.7.7 based on the history and age of the Commons and the application of new parking standards on a center whose history has been a mixed use retail/office/restaurant use or to request a variance from the two additional spaces that would be required over what the previous tenant's requirements were.

*{Lease space is 1561 square feet; the previous tenant, Cricket Wireless, was required to have seven (7) spaces based on  $1561/200 = 7.805$  or 8 spaces. The same lease space, 1561 square feet minus the 750 square feet of prep and storage which is not calculated for restaurant parking, leaves 811 square feet which when divided by 100 square feet for seating and waiting space requires nine spaces.  $1561-750 = 811 / 100 = 8.11$  or 9.}*

**Parking Requirements for Restaurant:**

Section 5.6(45):

"One (1) parking space for each one hundred (100) square feet of seating/waiting area, or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be required for drive-through facilities."

**Relevant code sections from Code of Ordinances:**

5.7.5. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

*This would require the addition of one or two spaces based on the change in use from retail to restaurant. The retail use required seven spaces.*

5.7.6. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over forty thousand square feet (40,000 sq. ft.).

5.7.7. Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the City Administrator. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Dripping Springs.