

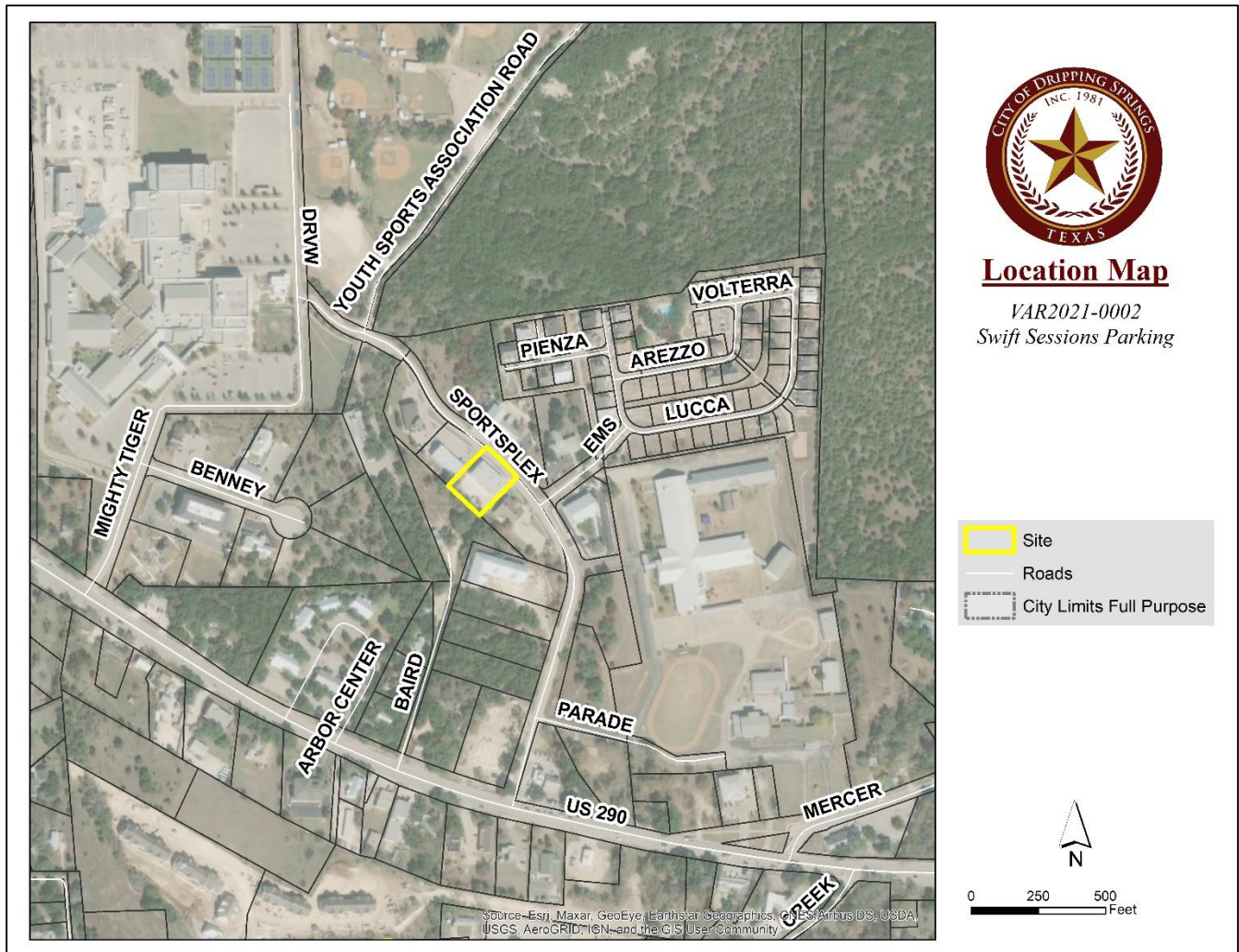


Board of Adjustment Planning Department Staff Report

Board of Adjustment Meeting: March 9, 2021
Project No: VAR2021-0002
Project Planner: Robyn Miga, Consulting Planner

Item Details

Project Name: Swift Sessions Parking Special exception
Property Location: 391 Sportsplex Drive, Suites A and B
Legal Description: Sportsplex Subdivision No. 3, Lot 4, approximately .751 acres
Applicant: Kevin Garrett
Property Owners: Hylan Real Estate Investments, LLC c/o Robert Wilson
Request: Special exception Request from Exhibit A, Zoning Ordinance, Section 5, Development Standards & Use Regulations, 5.6(24) Parking based on use for a health club, health spa, or exercise club, which requires 1 space per 150 sq. ft.



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Overview

Because this is a Board of Adjustment matter, at least 5 members of the Board of Adjustment must hear the case. Also, at least 5 members of the Board must vote in favor of a variance or special exception for it to pass. The rulings of the Board are appealable to court.

The applicant is requesting a parking special exception for his business, Swift Sessions, which is a gym that provides various services, including various group fitness classes. The City's Code of Ordinances would classify this use as a health club, health spa, or exercise club, which would require that they have one (1) parking space for every 150 sq. ft. of gross floor area. This particular structure has three suites, A & B are occupied by Swift Sessions, and Suite C is occupied by a business called Dripping Springs Chocolate Co. The applicant is requesting that they be able to meet parking requirements based on the current provided parking and provide no additional parking to meet this requirement.

While the only special exception request that is being considered is for Suites A & B, Suite C is impacted by this special exception request, and the requirements for that suite are noteworthy with this request.

Summary

The site plan for this warehouse was approved in 2014, and constructed as a 7,200 sq. ft. warehouse, which stated that 6,000 sq. ft. of the structure would be used for storage/warehouse, which requires one (1) parking space per 1,000 sq. ft., and the remaining 1,200 sq. ft. was parked for office, which requires one (1) parking space per 300 sq. ft. Therefore, the site was required to provide 10 parking spaces with these proposed uses in mind, but they provided **22 total parking spaces**, which includes one ADA space.

Based on the current uses that exist in the building, the following is the required ratio for parking:

Suites A & B – Approximately 4,910 sq. ft. occupied as a health club, health space, or exercise club – Required Parking is **33 parking spaces**.

Suite C – Approximately 2,290 sq. ft. as a retail establishment (Dripping Springs Chocolate Co.) – Required Parking is **11 parking spaces**.

Under the strict application of the code, this establishment would be required to have **48 parking spaces** for the uses that exist in the structure today. The code requires that the most intense use apply to the entire building.

The applicant described the establishment as a private, small group personal training business, and stated that their business does not have individual stations for clients to come and go like a traditional gym. The applicant also stated that the training sessions are limited to individuals and small group events “normally during early morning, late afternoon, and weekend sessions, outside of school hours.” The applicant also stated that they would have occasional special events at the facility on weekends, but expected the current parking on the site to accommodate these events.

Analysis

Conditions for Special Exception, Section 2.22	Staff Comments
There are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land;	There are no special circumstances or conditions affecting the land involved in such a way that the literal enforcement of the code would deprive the applicant of the reasonable use of the land. However, it is noteworthy that there is not a way for the applicant to provide additional parking on this site, because the site plan was approved with such a low-intense parking ratio, and the site has utilized all the

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<p>The special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and</p>	<p>available space with the structure and parking.</p> <p>If the applicant does not get this parking special exception, they would not be able to operate their business at this location. However, the applicant is not the property owner, therefore it's noteworthy that in granting/denying this request, this does not prohibit the building from being used as it was intended to be used, which was mostly as a warehouse.</p>
<p>The granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and</p>	<p>While granting this request will not be detrimental to the public health, safety, or welfare of other businesses in the area, in granting this special exception request, it does directly impact Suite C if their business model were to change and/or if a new tenant were to occupy that suite.</p>
<p>The granting of the special exception constitutes a minimal departure from this Chapter; and</p>	<p>The overall site, at this point, is lacking half of the required parking under the City's code, and while that may not be a major impact today, in the future, there could be more parking concerns in this area based on the site being parked deficient from the uses that now occupy the structure.</p>
<p>The subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property.</p>	<p>While the tenant proposed for Suites A & B did not impose the parking hardship, there was a self-created hardship in that it was parked at such a low intense use that it will be hard for any use to meet the parking criteria of the City's Zoning Ordinance. This structure was built as a shell and then tenants lease out the space, so the nature of these suites are intended to potentially have tenants come and go as the market changes. With the majority of the building parked at a 1/1,000 sq. ft. ratio, the likelihood of another parking special exception request in this area are high due to this. While the current business that occupies the remaining portion of this structure does not have a high parking demand at this time based on their hours of operation and only being open a few days a week, should this business change and a more intense use come in, there may be an increased parking concern at that point.</p> <p>Furthermore, while businesses are occupied with fewer people and smaller groups due to COVID-19 and safety protocols, following the pandemic the occupancy capacity for this business could be much higher than the proposed class size of 12 or fewer individuals.</p>
<p>Granting the special exception is in harmony with the spirit, general purpose, and intent of this Chapter so that:</p> <ol style="list-style-type: none"> (1) The public health, safety and welfare may be secured; and (2) That substantial justice may be done. 	<p>Based on the area, the proposed special exception for Suites A & B, the only tenant that could be affected would be the occupant of Suite C, however, it is noteworthy that the property is all owned by one owner, therefore the adjacent properties in the vicinity will not be harmed.</p>

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The City of Dripping Springs zoning ordinance standards are slightly dated, in that, cities are moving more toward having more general parking standards that capture multiple uses, with the exception of some that are more intense. Therefore, I've provided the parking ratio for the uses that would correspond within other cities in the area.

City	Retail	Health Club/similar use
Dripping Springs	1 space per 200 sq. ft. GFA	1 space per 150 sq. ft. of GFA
Marble Falls	1 space per 250 sq. ft.	1 space per 250 sq. ft.
San Marcos	1 space per 250 sq. ft.	1 space per 300 sq. ft.
Georgetown	1 space per 250 sq. ft.	1 space per 250 sq. ft.
*It's noteworthy that they have a classification for "Mixed-Use Commercial Center" that would capture the intended nature of the uses in this building, which would require the overall site to be 1 space per 250 sq. ft.		

Under the more modern parking standards for some of these communities, the entire 7,200 sq. ft. structure would have required 30 parking spaces, as opposed to the 48 that would be required under the current code. Therefore, the overall site would only be deficient 8 spaces.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the request.

Attachments

Exhibit 1: Special exception Application

Exhibit 2: Approved Site Plan

Exhibit 3: Draft BOA Letter

Recommended Action:	The Planning & Zoning Commission recommended approval at their February 23, 2021 meeting. Staff is recommending approval of the request because the only way for this site to not require a parking special exception is for the site to be used as a warehouse and office, as stated on the approved site plan.
Alternatives/Options:	Recommend denial of the special exception application. Approve special exception with conditions.
Budget/Financial Impact:	None calculated at this time.
Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A