



**Set'em Up, LLC -Children's Volleyball
 Special Exception Use
 P22-332**



Project Aerial Map

SUMMARY

Applicant's Request:	The request is for approval of a Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet in the General Commercial (CG) Zoning District as per Section 158.124(C)(1) of the Zoning Code for a 14,326 square foot recreational facility.
Applicant:	Set'em Up, LLC
Agent:	Patricia Sandoval
Property Owner:	Savits Enterprises Inc.
Location:	Located northwest of the intersection of SE Jennings Rd. and S US Highway 1
Address:	10103 S US Highway 1
Project Planner:	Bianca Lee, Planner I

Project Description

The applicant is requesting a special exception use to allow an enclosed assembly area over 3,000 square feet for recreational use totaling 14,326 square feet for a developed property, as per Section 158.124(C)(1) of the General Commercial (CG) zoning district. The Zoning Code lists an enclosed assembly area more than 3,000 square feet as a special exception use that may be permitted only following the review and specific approval thereof by the City Council. The proposed special exception use will allow the operation of a recreational facility for children’s volleyball, travel leagues, and open gym activities for the community. The facility proposes a maximum of 70 athletes at one time.

Public Notice Requirements

Notice of this request for a Special Exception Use was mailed on February 26, 2023, to owners of property within a 750-foot radius of the subject property.

Location and Site Information

Parcel Number:	4401-701-0004-000-3
Property Size:	4.91 acres
Legal Description:	Town Centre Parcel D
Future Land Use:	CG (General Commercial)
Existing Zoning:	CG (General Commercial)
Existing Use:	Vacant/Shopping Center

Surrounding Uses

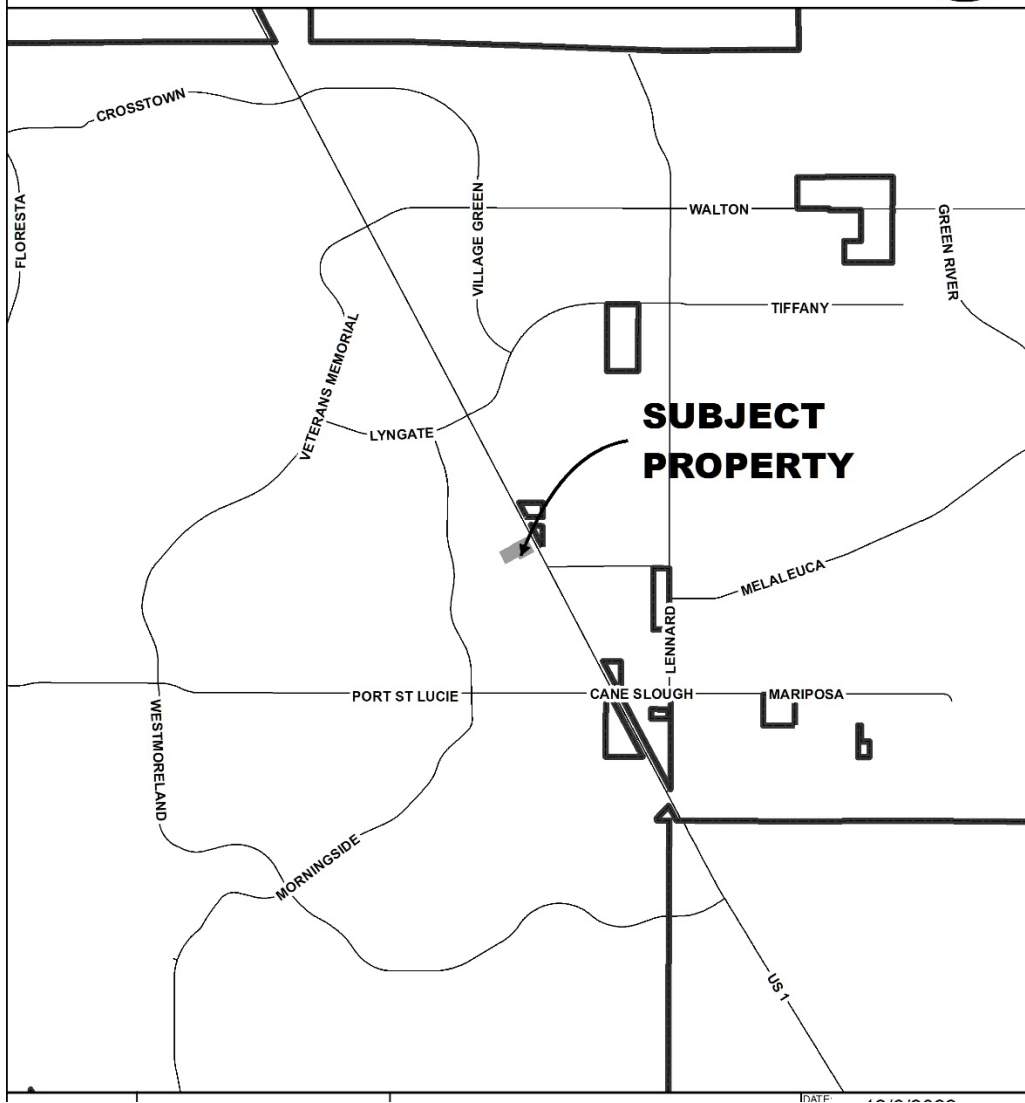
Direction	Future Land Use	Zoning	Existing Use
North	CG	CG	Retail
South	CG	CG	Retail
East	CG	CG	Hotel
West	RM	RM-11	Residential

Future Land Use

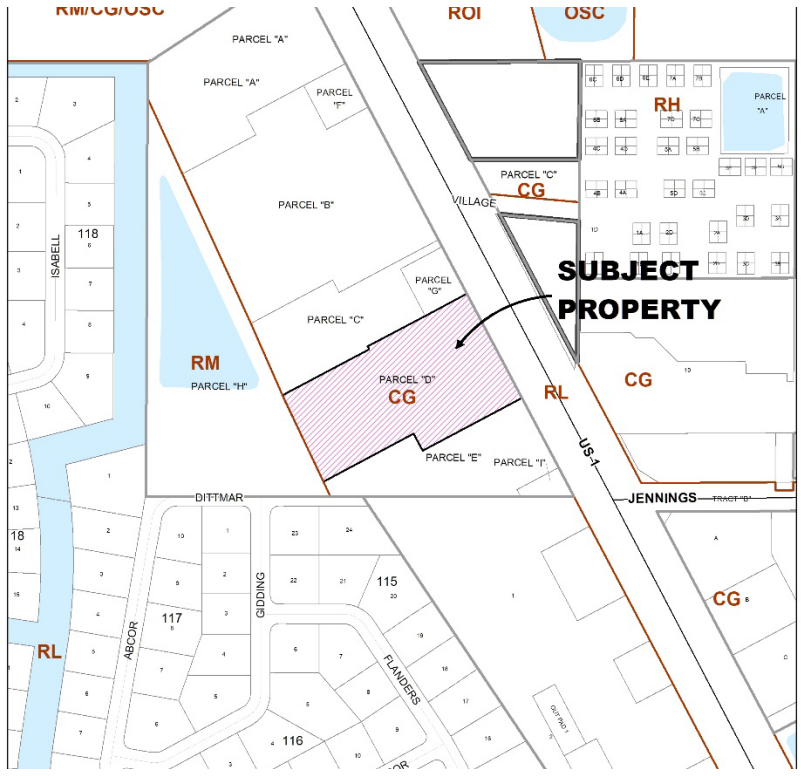
CG – General Commercial and RM –Medium Density Residential

Zoning District

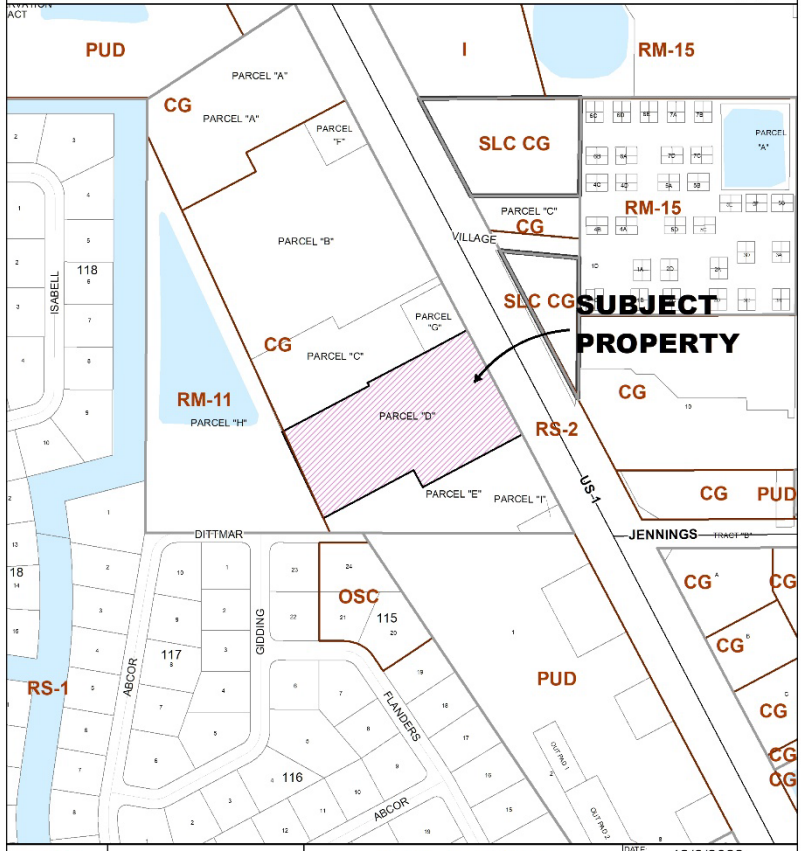
CG – General Commercial and RM-11– Multiple-Family Residential



Location Map



Land Use Map



Zoning Map

PROJECT ANALYSIS

Special exceptions are uses that would only be allowed under certain conditions and are reviewed to be compatible with the existing neighborhood. Approval of a special exception application shall only be granted by the City Council if it meets the criteria established under Section 158.260 (A) through (L) as noted below. The applicant's response to the criteria is attached. Staff's review is provided below.

Evaluation of Special Exception Criteria (Section 158.260)

(A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

- Staff findings: The site plan demonstrates that the site has adequate ingress and egress for vehicles, the property is developed and will allow for pedestrian safety and convenience. The property is located on S US Highway 1 and has multiple shared access points along this roadway.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

- Staff findings: Adequate off-street parking is provided for the proposed use within the developed site. The overall shopping center is required to have 1,670 parking spaces at one (1) space per 250 square feet. There are 1,710 parking spaces onsite, providing an excess of 40 spaces. The 14,326 sq. ft. recreational facility requires one (1) space per 200 square feet as per section 158.221(C)(17), or 72 spaces. The parking required for the 14,326 square feet to be utilized as retail is 57 spaces. The proposed enclosed assembly use has been allotted 65 parking spaces for use by the property owner. There is an excess of 40 parking spaces in the overall shopping center, which can be used to provide additional parking for the proposed use.

(C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

- Staff findings: Adequate utilities are available to service the development.

(D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

- Staff findings: There is adequate screening and buffering for this site.

(E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

- Staff findings: No signs or outdoor lighting is proposed for this existing site.

(F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

- Staff findings: Yard setbacks and open space are adequate, to properly serve the existing development and to ensure compatibility with its adjoining properties.

(G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

- Staff findings: The proposed Special Exception Use is permitted as defined by Section 158.124(C)(1) - CG (General Commercial) Zoning District and shall conform to all provisions of the City's Zoning Code.

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

- Staff findings: By adhering to City Codes and Regulations, the establishment and operation of the proposed use is not anticipated to impair the health, safety, welfare, or convenience of residents and workers in the City.

(I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

- Staff findings: The indoor recreational facility is not expected to generate noise or hazards because of the number of persons who will attend or use the facility. The establishment will operate year-round and is open 7 days a week. The facility will be open from January 1st to June 1st & September 1st to December 31st from 4pm-10pm. During the summer months, June 2nd to August 10th the facility will be open from 10am to 10pm. The facility will consist of 3 volleyball courts, games will be held once per month with a maximum of 2 games being played at once. The facility will allow a total of 70 athletes at any given time.

(J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

- Staff findings: The proposed use is not expected to adversely impact surrounding properties. The building footprint is existing, the recreational facility is surrounded by retail uses which have similar hours of operation.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

- Staff findings: Acknowledged.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

- Staff findings: Acknowledged.

PLANNING AND ZONING BOARD ACTION OPTIONS

Section 158.260 (A) through (L) of the City code, then the Board may:

- Motion to recommend approval to the City Council

- Motion to recommend approval to the City Council with conditions as recommended by staff

If the board finds that the special exception use application is inconsistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, then the Board may:

- Motion to recommend denial to the City Council

Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to table or continue the hearing or review to a future meeting.