

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: October 3, 2011

CASE NUMBER

5708/5685

APPLICANT NAME

Advanced Disposal Services Gulf Coast, LLC & Jeffrey E. Quinnelly

LOCATION

6225 Rangeline Road
(East side of Rangeline Road, 1400'± North of Old Rangeline Road).

VARIANCE REQUEST

PARKING SURFACE: Parking Surface Variance to allow a disposal and recycling facility with gravel parking and maneuvering area in a B-5, Office-Distribution District.

OFF-SITE PARKING: Off-Site Parking Variance to allow off-site parking in a B-5, Office-Distribution District.

ACCESS/MANEUVERING: Access/Maneuvering Variance to allow 20' access/maneuvering area in a B-5, Office-Distribution District.

FRONT LANDSCAPING AREA: Front Landscaping Area Variance to allow reduced front landscaping in a B-5, Office-Distribution District.

**ZONING ORDINANCE
REQUIREMENT**

PARKING SURFACE: The Zoning Ordinance requires parking and maneuvering areas to be paved with asphalt, concrete, or an approved alternative paving surface in a B-5, Office-Distribution District.

PARKING: The Zoning Ordinance requires all parking to be on-site in a B-5, Office-Distribution District.

ACCESS/MANEUVERING: The Zoning Ordinance requires a minimum 24' wide access/maneuvering area in a B-5, Office-Distribution District.

FRONT LANDSCAPING AREA: The Zoning Ordinance requires 60% of the minimum required landscaping area to be located between the right-of-way and the building in a B-5, Office-Distribution District.

ZONING

B-5, Office-Distribution

AREA OF PROPERTY

2.21± Acres

TRAFFIC ENGINEERING

COMMENTS

The northern most parking stall needs a slip to allow the motorist room to back out and exit the parking lot headlights first. If you will be working in the roadway or performing any activities that will affect traffic, you must submit a Traffic Control Plan at least two working days prior to proceeding.

CITY COUNCIL

DISTRICT

District 4

ANALYSIS

The applicant is requesting Surfacing, Off-Site Parking, Access/Maneuvering, and Front Landscaping Area Variances to allow a disposal and recycling facility with gravel parking and maneuvering area, off-site parking, 20' access/maneuvering area, and reduced front landscaping area in a B-5, Office-Distribution District; the Zoning Ordinance requires parking and maneuvering areas to be paved with asphalt, concrete, or an approved alternative paving surface, all parking to be provided on-site, access/maneuvering area to be a minimum of 24' wide, and 60% of the minimum required landscaping area to be located between the right-of-way and the building in a B-5, Office-Distribution District.

The site was the subject of a Parking Surface Variance heard at the July Board meeting, but heldover to the August meeting because of site plan changes. Due to non-representation by the applicant at that meeting, the Board denied the request. Since that time, the applicant expanded the existing gravel heavy truck parking and equipment laydown yard onto the rear portion of the adjoining property to the South at 6235 Rangeline Road without proper reviews or permits. A Notice of Violation was issued and the applicant now desires to get approval for the expansion. In addition, an expansion of the existing 3,560 square-foot building at 6225 Rangeline Road to 6,590 square feet will require site compliance with landscaping and tree planting requirements of the Ordinance, and the applicant is seeking relief from the front landscaping requirements. The applicant also requests relief from the required 24' wide access/maneuvering area in the existing front parking area which currently has a 20' wide access/maneuvering area.

The site was annexed into the City with the Theodore area annexation and was in its current use at that time with a gravel parking and maneuvering area which was considered legal nonconforming. However, with the proposed addition to the building and the un-permitted expansion, the site must be brought into compliance with the Zoning Ordinance requirements.

The applicant states that the gravel parking/laydown area is used to park dumpster trucks and dumpsters and was on site at the time of annexation. However, the 2010 land use aerial

photographs do not indicate any gravel surfacing in the area of the proposed off-site parking at 6235 Rangeline Road, and the site plan indicates existing gravel within that area. Also indicated on the site plan and seen on recent site photographs is an un-permitted fence around the expanded gravel parking compound. The applicant was granted a sidewalk waiver for 6225 Rangeline Road at the July 7th Commission meeting.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variations are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The reason aggregate is not an approved surface is because of the possibility of the aggregate shifting onto the right-of-way and adjacent properties via tires, and parking spaces are not readily delineated. In cases where the basis for a Parking Surface Variance has been the fact that tracked or large off-the-road-tired construction equipment could adversely impact the surface due to crushing and/or chipping, a surface variance has been justified. However, there has been no mention of such by the applicant in this case. Photographs of the site indicate only rubber-tired refuse trucks on site which are capable of maneuvering on compliant paved surfaces without adverse impact. With regard to the storage and loading/unloading of dumpsters on site, such operations could have a negative impact on compliant paving surfaces, and the granting of a surface variance for such would be justified. However, an area for such should be designated on the site and restricted to dumpster storage and loading/unloading only and the area where trucks are parked should be required to be paved compliantly.

With regard to the Off-Site Parking Variance request, the applicant has not submitted evidence of a hardship to be imposed by the restriction of parking to be on-site. If it is implied that the proposed building expansion would create such hardship, that hardship would be self-imposed by over-development of the site. Staff feels that the situation would be better-addressed by a Planned Unit Development Approval to allow shared access and parking between the two sites or a two-lot Subdivision to remove the rear portion from 6235 Rangeline Road and combine it with 6225 Rangeline Road to have all parking on the applicant's site.

The site plan submitted indicates seven additional proposed standard vehicle parking spaces on the applicant's site which would meet the minimum parking required for the site. There is sufficient area between the proposed new parking and the front of the property to provide at least as many more parking spaces with compliant access/maneuvering area and would allow the existing noncompliant access/maneuvering parking area directly in front of the building to be replaced with landscaped area. Therefore, the site does not impose a hardship which would prevent compliant standard vehicle parking to be provided.

The Front Landscaping Variance request pertains to the 6235 Rangeline Road site as it is approximately 308 square feet deficient in meeting the required total frontage landscaping of 3,640 square feet for that site. Technically, as no building expansion is proposed for that site, landscaping would not normally be required; but due to the fact that the site is an extension of a site requiring landscaping compliance, such compliance should also apply to the adjacent site. Since staff feels that the off-site parking issue could better be addressed via a PUD, landscaping compliance would be required and can be achieved. The sum of the total frontage landscaping requirements of both sites could be applied to the PUD as a whole, and there is sufficient area on the applicant's site, even with the suggested increase in the proposed standard vehicle parking area, to combine with the deficient area on the adjacent site, to meet the over-all requirements of frontage landscaping for a PUD.

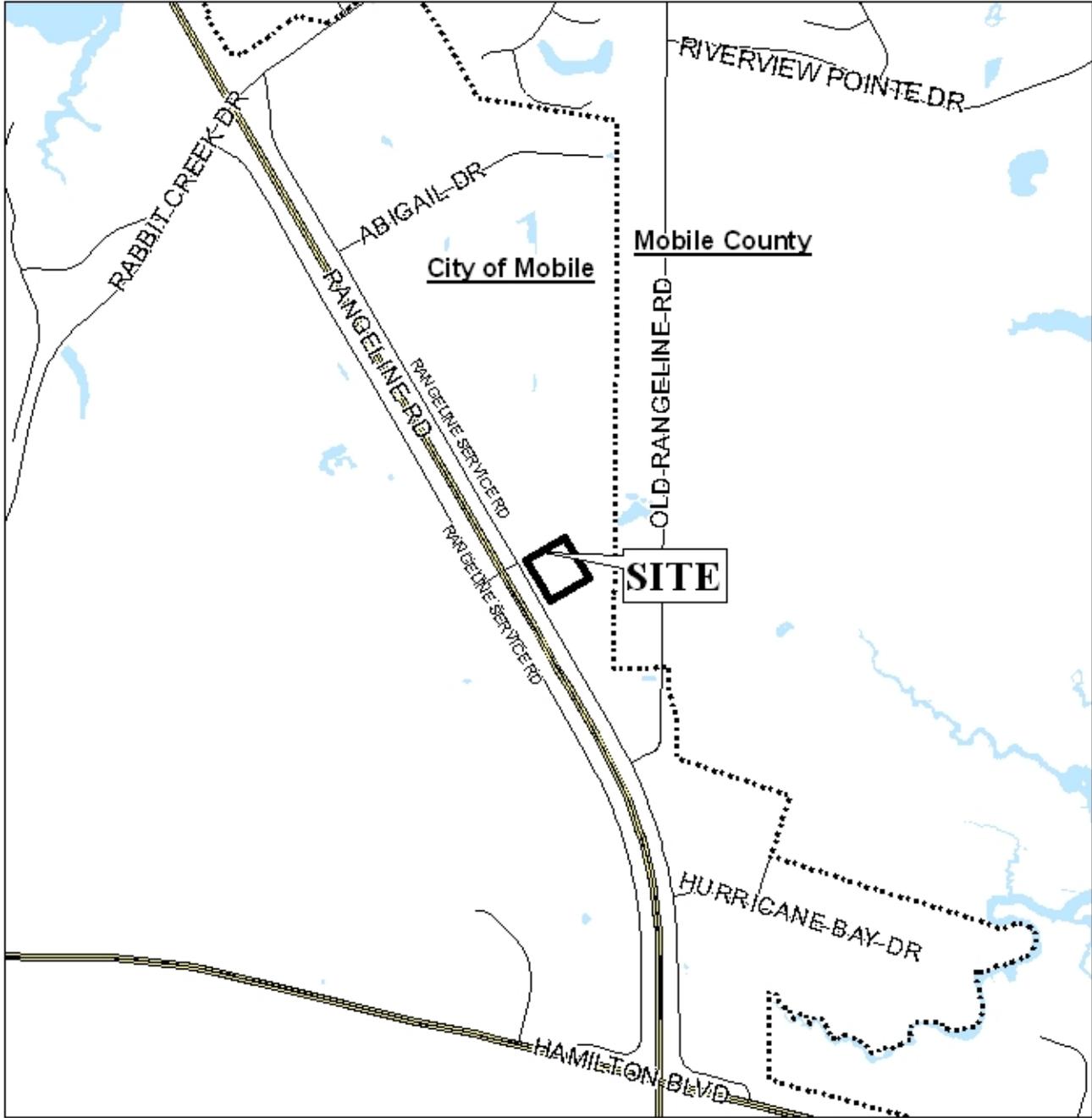
The applicant has failed to illustrate that a literal enforcement of the Ordinance would present an undue hardship with respect to the paving and maneuvering surface requirement of the Ordinance pertaining to dumpster trucks, but has shown such hardship would apply to the dumpster storage and loading/unloading area. No hardship has been shown to prevent all dumpster truck and dumpster storage on-site, and no hardship has been shown with regard to standard vehicle parking being able to meet compliance. And since the overall site is capable of achieving frontage landscaping compliance, no hardship is illustrated which would prevent such compliance.

RECOMMENDATION: Based on the preceding, the request for a Parking Surface Variance for the dumpster storage and loading/unloading area is recommended for approval, subject to the following condition:

- 1) the applicant is to obtain Planned Unit Development Approval for shared access and parking between the two sites.

The requests for a Parking Surface Variance for the dumpster truck parking area, the Off-Site Parking Variance, the Access/Maneuvering Variance, and the Frontage Landscaping Area are recommended for denial.

LOCATOR MAP



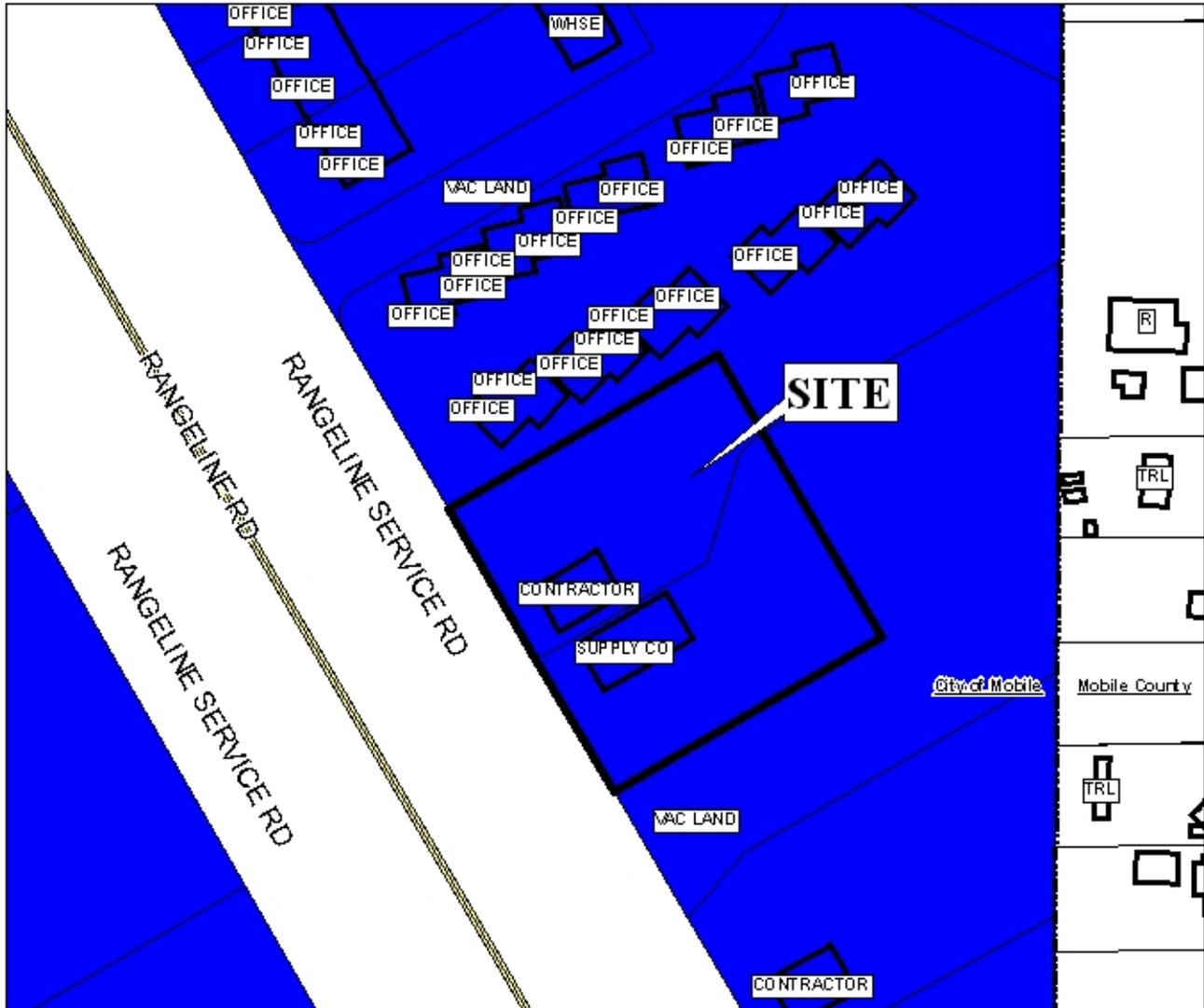
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

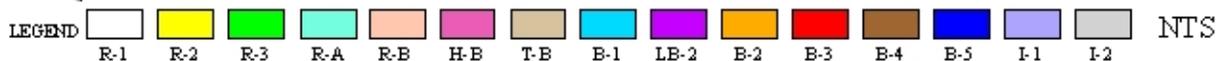


Commercial sites are located to the north and south of the site. Residential sites are located to the east of the site.

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**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



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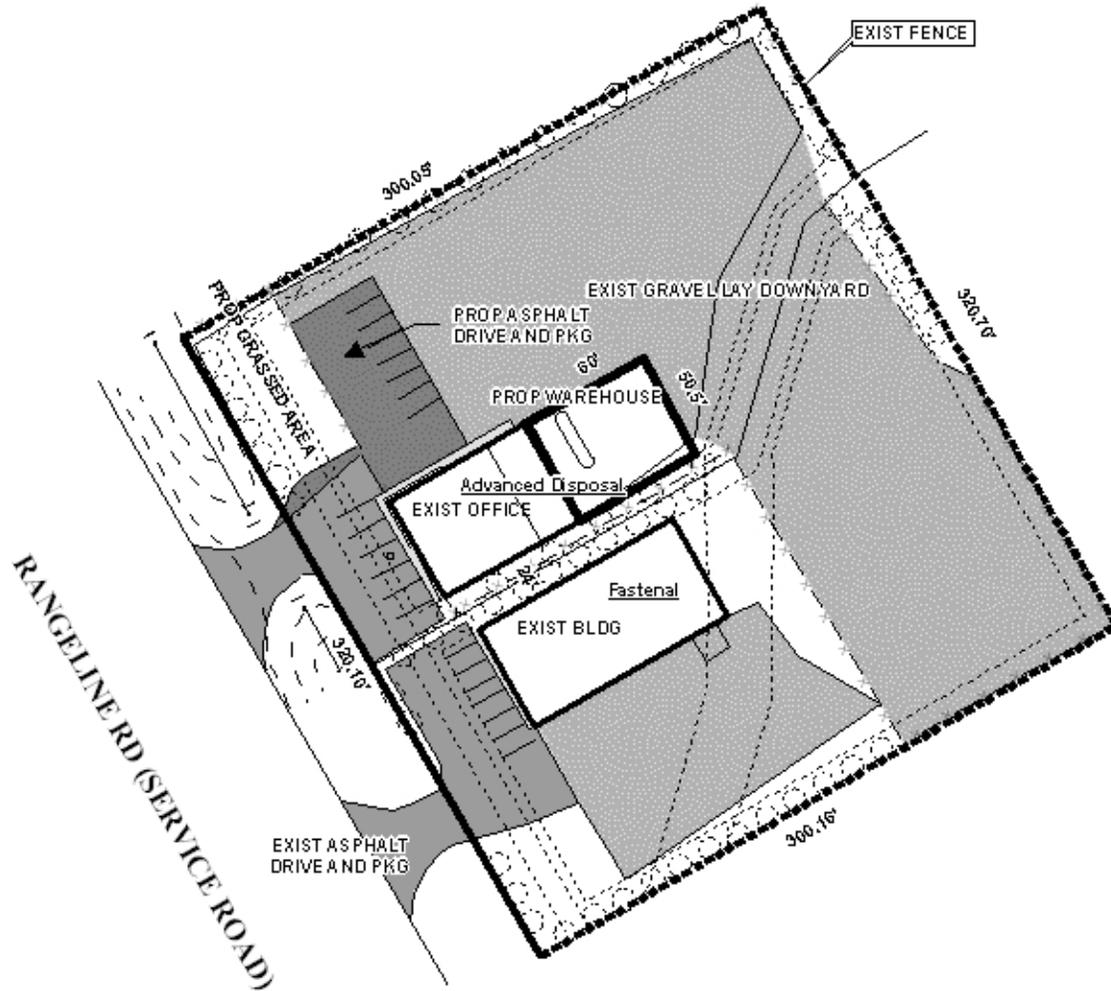
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SITE PLAN



The site plan illustrates the existing building, gravel laydown yard, proposed asphalt drive, proposed asphalt parking, and the proposed building addition.

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