

**February 2, 2016 Board of Adjustment
Staff Recommendations**

PETITIONER: Jay Huebner, HSQ Group, agent for Appleby Real Estate Holding, LLP
LOCATION: Northwest corner of Banks Road and NW 24th Street
ZONING: M-1 Light Industrial District

INTRODUCTION

The proposed use of this development is an accessory use to an automobile dealer. The site will function to receive new car inventory, inspect and prepare the vehicles to be sales ready, and then store the inventory until ready to be delivered to the dealership. A seven foot tall perimeter wall will be provided to enhance security. The applicant has made clear that this site will only be accessed by dealership staff and delivery truck drivers; the general public will not be invited to this site, and will not have access to this site. The proposed site plan has been designed to maximize storage capacity and security of the vehicular inventory.

The subject property is a corner property that is bound by bodies of water to the north and northwest, with an existing body shop to the west. The site plan was designed with a single driveway connection to each adjacent roadway. The gated entry driveway is located on Northwest 24th Street, and the gated exit driveway is aligned with the platted 50 foot wide access opening on Banks Road. The site was designed with dedicated entry and exit points in order to accommodate the large turning radii of vehicle hauling delivery trucks. In anticipation of the vehicle haulers, the entry gate is providing 113.4 feet of vehicle stacking capacity so that local roads are not blocked while the entry gate is being opened.

HEARING NO.: BA-01-2016

SECTION OF CODE: Sections 3.14(16)

Code prohibits the erection of a fence or wall within the front yard of any industrial property. Petitioner is requesting permission to erect and maintain a wall with vehicle gate in the front yard of an auto storage facility in an industrial zoning district.

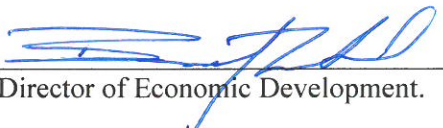
The applicant is requesting permission to erect a principal structure in the center of the property, and erect a security wall around the perimeter of the property, including in the front yard. In order to provide the auto prep staff with unobstructed visual contact with both gates, and to alleviate large truck maneuvering, the building is located in the center of the property. If a literal enforcement of the code was applied to this development by bringing the principal structure to the front of the property a large number of protected auto storage area would be lost, and staff would not be able to maintain visual contact with both gates on the property.

Staff finds that there are significant design challenges for developing this site so that visual contact is maintained on both gates while providing a safe onsite truck routing. Staff finds that the granting of this variance will not create a nuisance to the City, and would otherwise result in a hardship for the applicant if this request was denied. **Staff recommends approval of this variance.**

RECOMMENDATION: APPROVE

APPROVE WITH
CONDITIONS

DENY



Director of Economic Development.

2 FEB 16

Date

HEARING NO.: BA-02-2016

SECTION OF CODE: Sections 3.10(A) and 24.7(A)

Code requires auto storage facilities to be surrounded by a seven foot high block wall, and that the wall is not to be located within any required setback. Code requires a minimum street yard setback of 35 feet when the adjacent roadway is 80 feet in width or greater. Petitioner is requesting permission to erect and maintain a wall with vehicle gate that is setback 25 feet from Banks Road, which is greater than 80 feet in width.

The applicant is requesting a setback reduction of 10 feet along Banks Road in order to maximize onsite vehicular storage. This property is located within an industrial zoning district, and the proposed use of storing new car inventory is one of the lighter industrial uses permitted. Staff finds that the intent of these code sections were to provide adequate buffer and separation for auto storage uses such as tow yards, not temporary holding of new car inventory. This is evident by the fact that automobile sales agencies do not have the same requirements. The proposed use will contain the storage of new vehicles, but which are not for sale on this site.

The required setbacks also ensure that adequate separation and landscaping buffers provide for maximum pedestrian comfort and safety. A 35 foot setback also provides ample open space between the roadway and required wall, enhancing the aesthetic appearance of the area.

Staff finds that there are significant design challenges for developing this site, and that the intent of the code would be satisfied with a 25 foot setback, provided the applicant provides enhanced landscaped in the setback area, including additional trees, shrubs, and ground covers, as well as consideration of a "green" or "living" wall by utilized a vined material. Staff finds that the granting of this variance will not create a nuisance to the City, and would otherwise result in a hardship for the applicant if this request was denied. **Staff recommends approval of this variance, subject to the condition that double the amount of code required perimeter landscaping is provided.**

RECOMMENDATION: APPROVE

~~APPROVE WITH~~
CONDITIONS

DENY



Director of Economic Development.

2 FEB 16
Date