

APPLICATION NUMBER

5569

A REQUEST FOR

**PARKING SURFACE AND FRONT LANDSCAPING
VARIANCES TO ALLOW AN AGGREGATE PARKING
SURFACE FOR A TRUCK SALES AND SERVICE CENTER
AND TO REDUCE THE PERCENTAGE OF FRONTAGE
LANDSCAPING IN A B-3, COMMUNITY BUSINESS
DISTRICT; THE ZONING ORDINANCE REQUIRES ALL
PARKING SURFACES TO BE PAVED WITH ASPHALT,
CONCRETE, OR AN APPROVED ALTERNATIVE PAVING
SURFACE, AND REQUIRES AT LEAST 12% OF THE ENTIRE
SITE TO BE LANDSCAPED WITH 60% OF THAT BEING
FRONTAGE LANDSCAPING IN A B-3, COMMUNITY
BUSINESS DISTRICT.**

LOCATED AT

2223 HALLS MILL ROAD

(East side of Halls Mill Road, 325'± South of Pleasant Valley Road)

APPLICANT/OWNER

GULF COAST TRUCK & EQUIPMENT CO., INC.

AGENT

CLARK, GEER, LATHAM & ASSOCIATES, INC.

BOARD OF ZONING ADJUSTMENT

OCTOBER 2009

The applicant is requesting Parking Surface and Front Landscaping Variances to allow an aggregate parking surface for a truck sales and service center and to reduce the percentage of frontage landscaping in a B-3, Community Business District; the Zoning Ordinance requires all parking surfaces to be paved with asphalt, concrete, or an approved alternative paving surface, and requires at least 12% of the entire site to be landscaped with 60% of that being frontage landscaping in a B-3, Community Business District.

The applicant proposes to build a new truck sales and service facility on the subject site which is already used as the service facility for the sales office located across Halls Mill Road. The site is bordered completely along its East side by Eslava Creek which is a tributary of Dog River. Much of the rear of the site is located within a flood zone which impacts both the area proposed for truck and equipment parking and the location of the proposed building. The applicant's proposed design for the development reflects noncompliance with Zoning Ordinance requirements due to the flood zone issue, hence this application.

The site currently has gravel surfacing on all access/maneuvering areas. The site plan indicates that the front entrances, and the front, side, and most of the rear parking/access/maneuvering areas will be paved in compliance with concrete. However, the access/maneuvering area immediately behind the building for the service bays is proposed to be stone-paved, and the remaining truck and equipment parking area to the rear of that is proposed to remain gravel surfacing. The applicant states that when flood levels exceed the 100-year "Base Flood Elevation", the rear parking area will be submerged and it is believed that pavement failure could occur.

Due to the fact that much of the rear of the site is located within a flood zone, the 388' long office and service building is proposed to be parallel with and closer to the front property line. With the larger maneuvering area required in the front for the trucks to enter and exit the service bays in the building, insufficient area remains to provide the total required frontage landscaping area. The total site area proposed to be developed is 487,002 square feet which requires 35,064 square feet of frontage landscaping; however, 25,085 are proposed. However, a review of the site plan and building dimensions indicates that the building could be re-oriented perpendicular to the front property line at the 25' building setback line and extend toward the rear of the property approximately 354' before entering a flood zone. With the elimination of the Western 34' of office space on the ground floor and building a second story for offices, the building could be located on the site to avoid the flood zone and still provide adequate maneuvering area for trucks, standard vehicle parking, and the required frontage landscaping.

Frontage tree calculations on the site plan should be revised to indicate 18 trees required. Existing pear trees are not considered to be over-story trees and, therefore, cannot be used

as frontage tree credits, but could be used as under-story perimeter credits. As eleven new Live Oaks are proposed and there are overhead power lines along the frontage, seven more Live Oaks must be included in the frontage calculations, for a total of 18 Live Oaks along the front.

The site plan does not indicate the 25' natural vegetative buffer along the rear of the property bordering Eslava Creek which was a condition of approval of the subdivision for the site, Cross-Pond Subdivision. That condition stated "provision of a 25' minimum buffer strip along the South and East property lines, to be maintained in a natural vegetative state with supplemental plantings as necessary to sufficiently screen the site from adjacent residential properties". The recorded plat indicates such a buffer strip. However, site photographs provided with the application indicate that the buffer is not completely provided or being maintained as stipulated. Therefore, the buffer should be provided and maintained along Eslava Creek (the East property line of the site) as previously conditioned. The South property line of the site is on the large wooded area which is not proposed to be developed at this time.

Also, the photographs provided indicate barbed wire fencing around much, if not all, of the site. Under Section 21-1 of the City Code chapter "Fences, Barricades and Similar Structures," the City has permitted barbed wire fences by special permission of the Director of Urban Development in B-3 Districts, among others. No permit for the fence is found in the permitting database; therefore, the applicant should either provide proof of permitting for the fence or submit an application for the approval of the existing fence.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

Variances 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 applicant has illustrated that a literal enforcement of the Ordinance would result in an unnecessary hardship with regard to the rear parking surface and the Board should consider this portion of the application for approval, subject to conditions. However, the site plan seems to indicate sufficient room on the site to re-orient and shorten the building perpendicular to Halls Mill Road to avoid the flood zone and meet the frontage landscaping requirements. Therefore, the applicant has not illustrated that a literal enforcement of the Ordinance would result in an unnecessary hardship and this portion of the application should not be considered for approval.

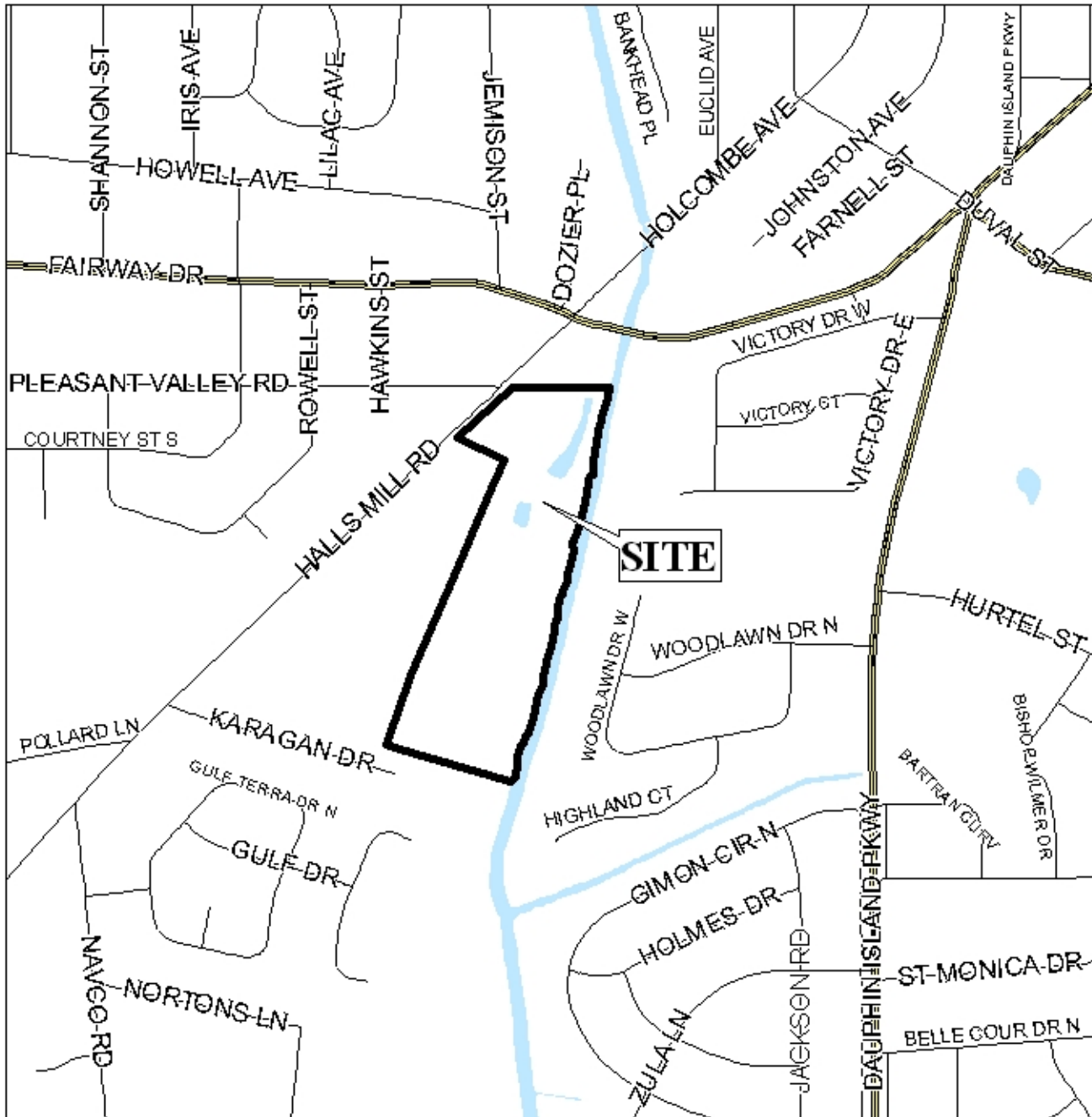
RECOMMENDATION 5569**Date: October 5, 2009**

Based on the preceding, the parking surface variance request is recommended for approval, subject to the following conditions:

- 1) revision of the frontage tree calculations to indicate 18 Live Oak trees required along the frontage;
- 2) provision of a 25' natural vegetative buffer along the East property line adjacent to Eslava Creek, to be maintained in a natural vegetative state with supplemental plantings as necessary to sufficiently screen the site from adjacent residential properties, to be coordinated with Urban Forestry;
- 3) submission of evidence that the barbed wire fencing was permitted, or the obtaining of an after-the-fact permit for such from the Director of Urban Development; and
- 4) full compliance with all other municipal codes and ordinances.

The frontage landscaping variance request is recommended for denial.

LOCATOR MAP



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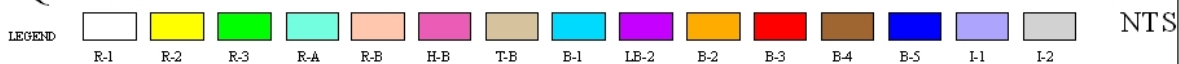
APPLICANT Gulf Coast Truck & Equipment Co., Inc.

REQUEST Parking Surface and Front Landscape Variances

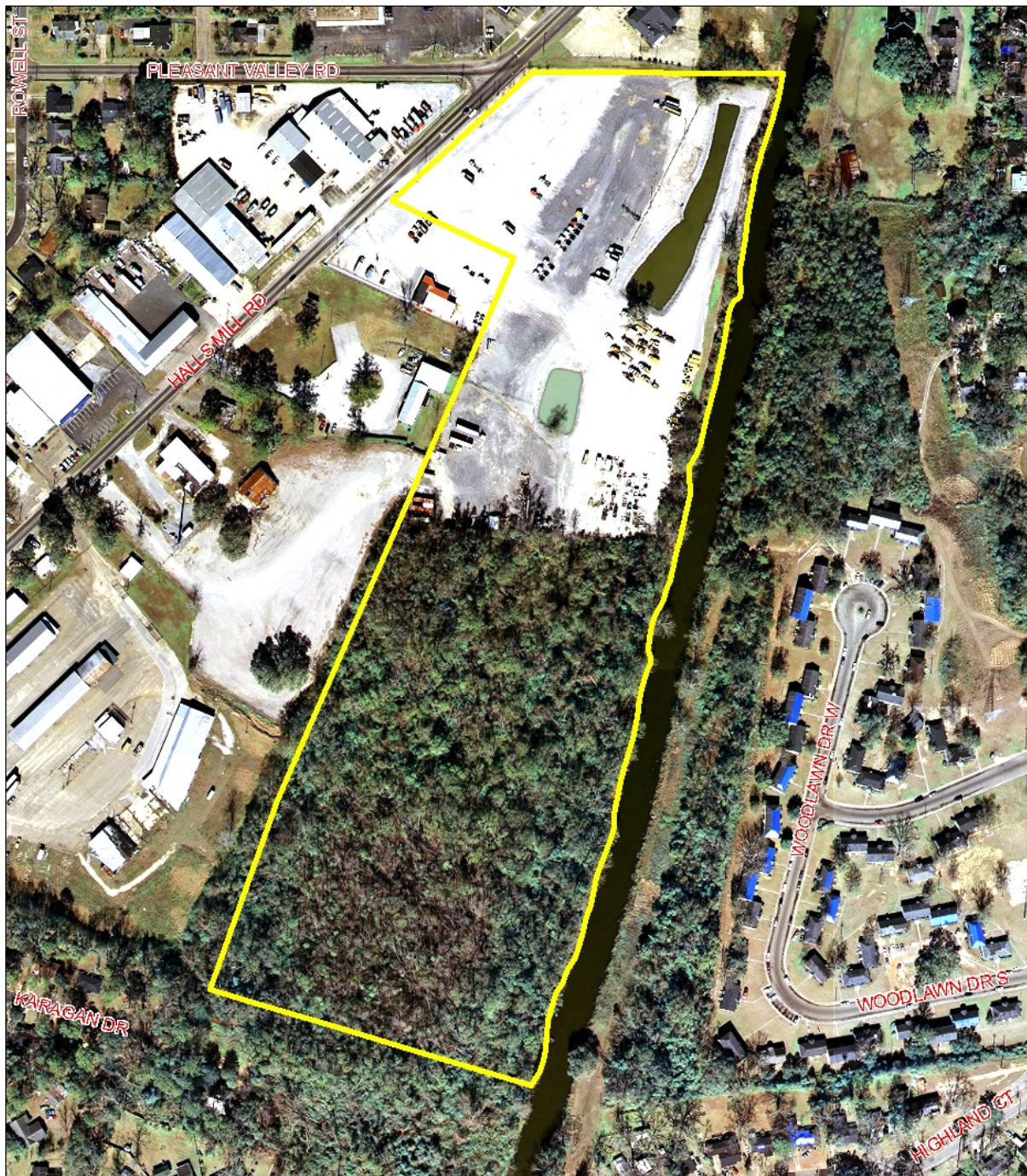


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**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



This site is surrounded by mixed land use.

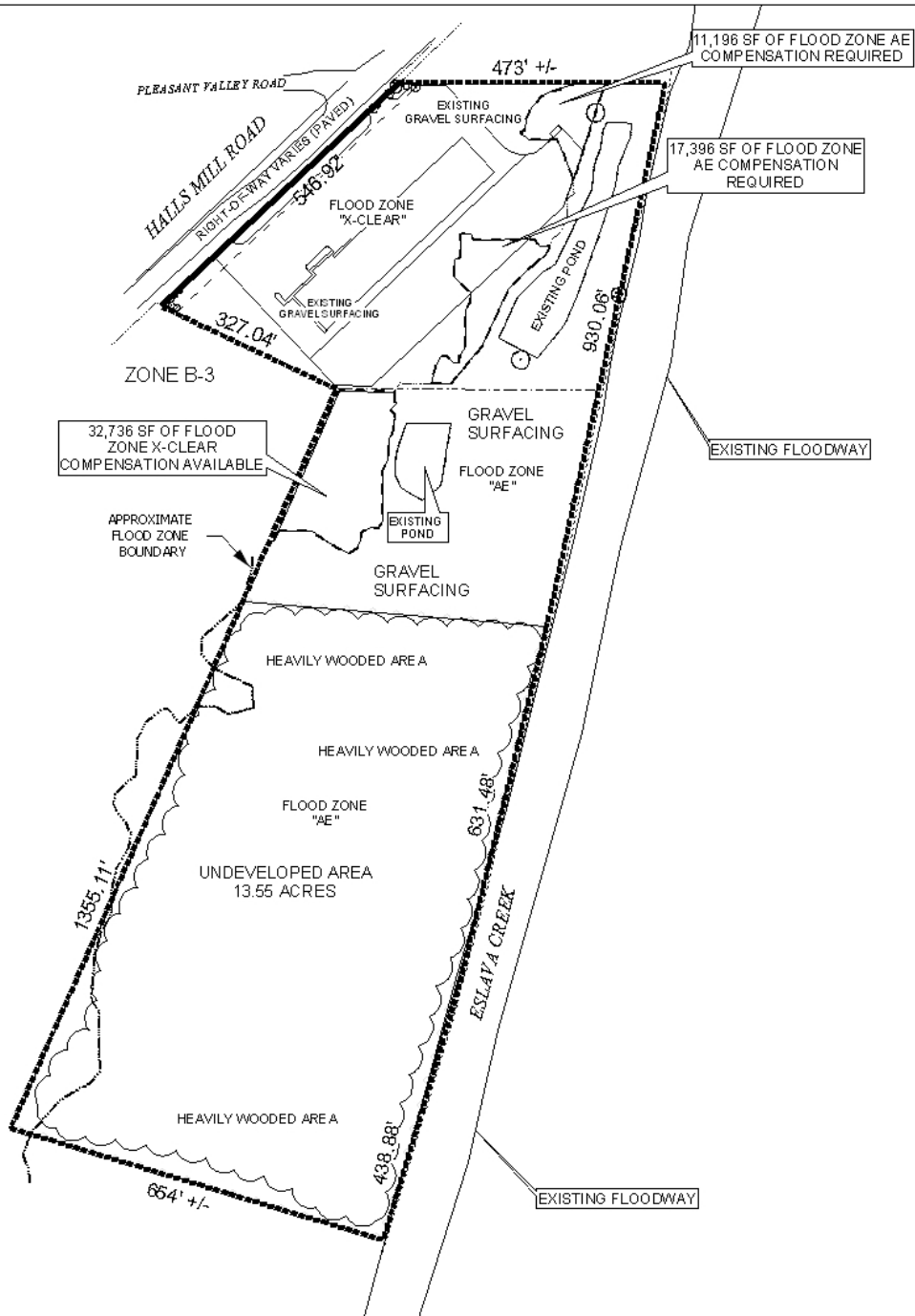
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SITE PLAN



The site plan illustrates the area of flood zone, wooded area, gravel surfacing, and existing ponds.

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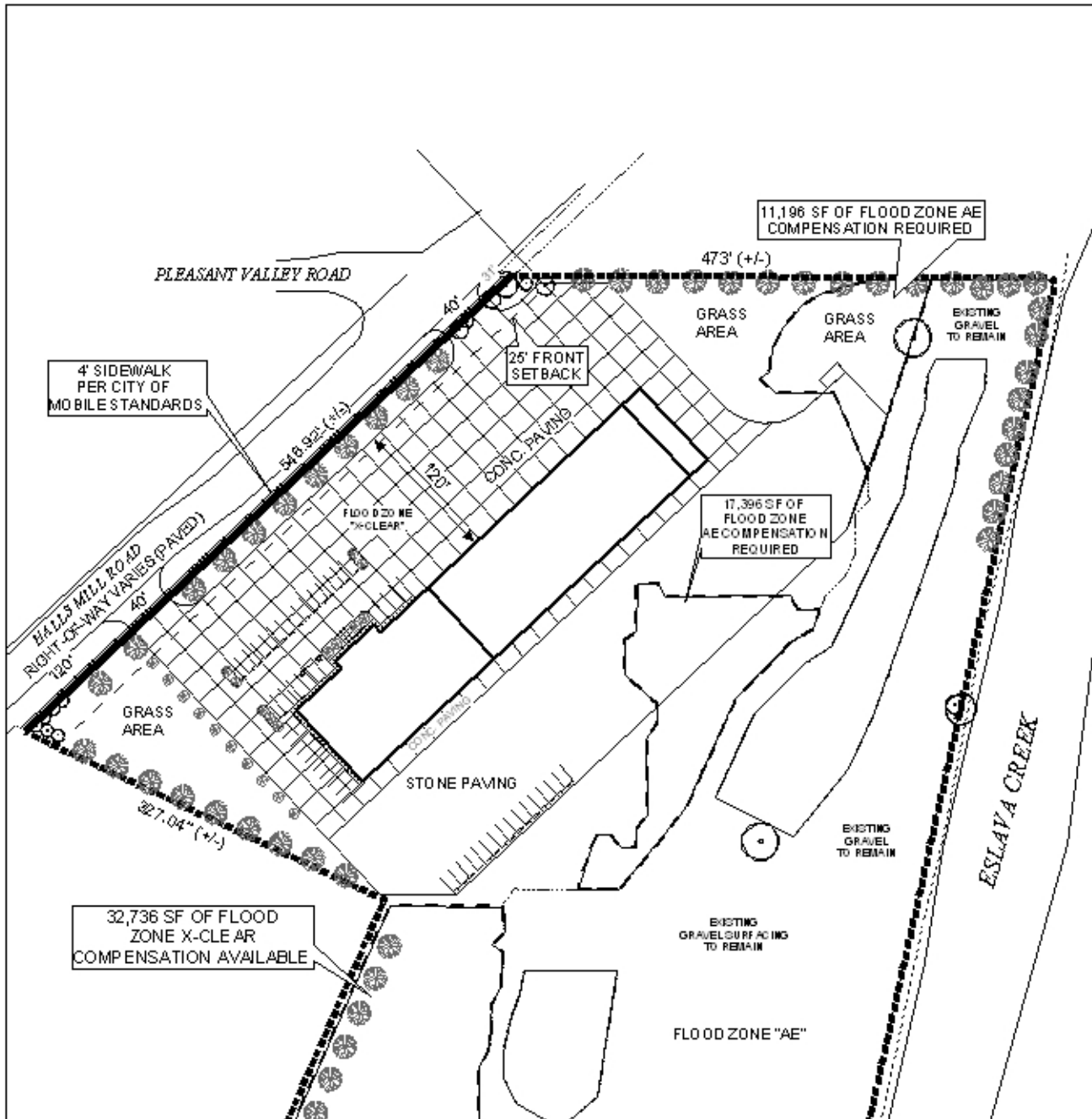
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NTS

DETAIL SITE PLAN



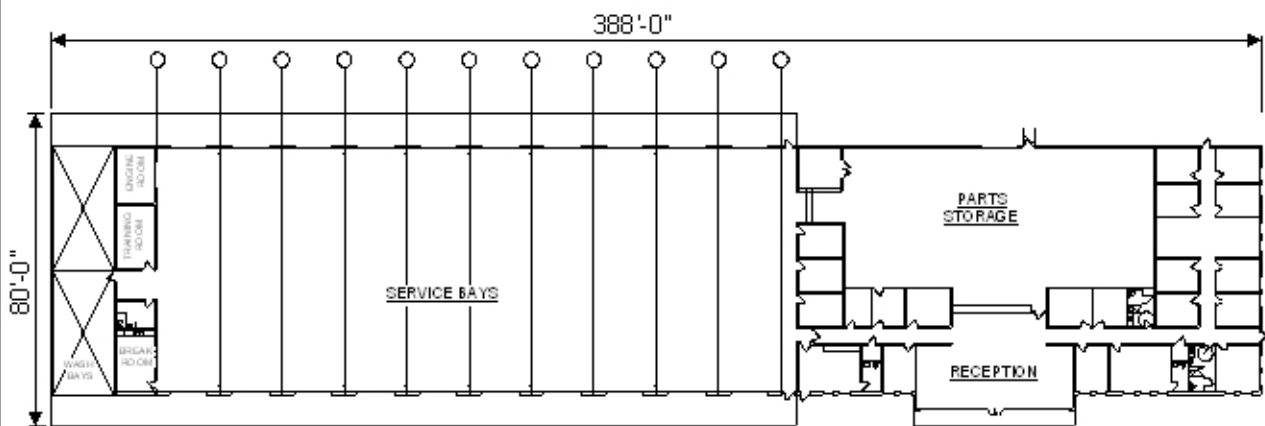
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NTS

DETAIL SITE PLAN



FLOOR PLAN

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