



**CITY OF ATLANTIC BEACH
COMMUNITY DEVELOPMENT BOARD
STAFF REPORT**

AGENDA ITEM **4.A.**

CASE NO **UBEX-13-00100065**
Request for use-by-exception as permitted by Section 24-111(c)(6), to permit a contractor, not requiring outside storage, to be located on a property within a Commercial General (CG) zoning district at 33 West 6th Street.

LOCATION **33 WEST 6TH STREET**

APPLICANT **TIER 1 CONSTRUCTION INC (BRENT PARRISH)**

DATE **AUGUST 20, 2013**

STAFF **ERIKA HALL, PRINCIPAL PLANNER**

STAFF COMMENTS

Background

Tier 1 Construction Inc is a roofing and general contracting company. Owner Brent Parrish seeks a use-by-exception so that he may obtain zoning approval for a Local Business Tax Receipt to operate his contracting business at 33 West 6th Street. The subject property has a Commercial (CM) Future Land Use Designation and is located within a Commercial General (CG) zoning district.

According to the provisions of Municipal Code Section 24-111(c)(6), within CG zoning districts, *“Contractors, not requiring outside storage, provided that no manufacture, construction, heavy assembly involving hoists or lifts, or equipment that makes excessive noise or fumes, shall be permitted. Not more than one (1) contractor related vehicle shall be parked outdoors on a continuous basis.”*



Figure 1. Location map for 33 West 6th Street. CoAB GIS, July 22, 2013.

Analysis

According to Section 24-63(d), the review of any application for a use-by-exception shall consider each of the following:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
- (2) Off-street parking and loading spaces, where required, with particular attention to the items in subsection (1) above.
- (3) The potential for any adverse impacts to adjoining properties and properties generally in the area, resulting from excessive noise, glare and lighting, odor, traffic and similar characteristics of the use-by-exception being requested.
- (4) Refuse and service areas, with particular reference to items in subsection (1) and (2) above.
- (5) Utilities, with reference to locations, availability and compatibility.
- (6) Screening and buffering, with reference to type, dimensions and character.
- (7) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects and compatibility and harmony with properties in the district.
- (8) Required yards and other open space.
- (9) General compatibility with adjacent properties and other property in the surrounding zoning district as well as consistency with applicable provisions of the comprehensive plan.
- (10) For those properties within the commercial corridors, consistency with the intent of Section 24-171, commercial corridor development standards.
- (11) Number of similar businesses that existing in the area with consideration that such uses are intended to be an exception and not to excessively proliferate in one area of the city.



Figure 2. Google Maps aerial view of 33 West 6th Street. Imagery dated March 2011, accessed online July 22, 2013.



Figure 3. Google Maps street view of 33 West 6th Street. Imagery dated 2013, accessed online July 22, 2013.

The subject property consists of a platted lot – Lot 4, Block 34, Section H – located midway the block, one hundred fifty (150) feet from the Mayport Road right-of-way, and thus not subject to commercial corridor development standards of Section 24-171. The property measures approximately fifty (50) feet in width by one hundred two (102) feet in depth, with a total lot area of five thousand one hundred (5,100) square feet, and it is improved with a modular metal structure consistent in appearance to others in the vicinity and

measuring thirty (30) feet in width by fifty (50) feet in depth, or fifteen hundred (1,500) square feet in area. The structure, built in 1993, conforms to current yard setbacks.

There are no proposed changes to established utility services, and refuse service will continue as standard curb pick-up. Security lighting exists on the east, south and west sides of the building, but neither additional lighting, nor signage is currently proposed.

Property ingress/egress is direct to/from the West 6th Street right-of-way. A thirty (30) foot wide by thirty (30) foot deep concrete driveway/parking pad extends from the West 6th Street pavement to the building foundation. The twenty (20) feet of depth fully on private property is sufficient to accommodate three parking spaces – including one ADA, though none are marked as such – consistent with parking space design standards specified in Section 24-161(g). However, Section 24-161(h)(3) requires that “business, commercial, retail, or service uses not otherwise specified [shall provide] one (1) space for each four hundred (400) square feet of gross floor area,” or a total of four (4) spaces for a building of these dimensions. There is a gravel area directly to the east of the parking pad which appears to have been previously used for spillover parking. Section 24-161(b)(2) provides that “all parking areas shall be paved unless an alternative surface is approved by the Director of Public Works. Any such alternative surface shall be maintained as installed and shall be converted to a paved surface if a failure to maintain results in adverse drainage or aesthetic impacts.”

The building is accessed via a central entrance and two roll-up doors fronting on West 6th Street, and concrete walkways on both east and west sides of the building lead to side door entrances. Considering the building footprint, the concrete parking pad and the sidewalks leading to side entrances, it is estimated that the total impervious surface coverage is approximately forty (40) percent, which is significantly lower than the maximum seventy (70) percent allowed within non-residential zoning districts. However, there are no trees or landscaping on the property. Because nearly the entire front of the property is utilized for access and parking, it is not feasible to implement provisions of Division 8, Landscaping standards, but it is recommended that the property be required to come into compliance with Section 23-30(b), minimum tree requirements for commercial uses, which states “For each parcel upon which a commercial structure or associated accessory use is proposed, or where the primary activity is commercial in nature...one (1) four-inch caliper tree shall be planted and/or preserved for every eight thousand (8,000) square feet of parcel area or portion thereof”. Therefore a minimum of one (1) tree is required.

The subject property is in the middle of a commercial block, at least one hundred fifty (150) feet in all directions to the nearest residential property. However the side and rear yards are surrounded by a six (6) foot high wooden privacy fence and this should provide sufficient buffering considering no outdoor storage is permitted for contractors within CG zoning districts. Additionally, the applicant has stated in his submittal cover letter “Tier 1 Construction proposes to use this location as general office space to accommodate three employees. We plan to conduct day to day office duties that include office desk work, secretarial work, customer service via telephone, etc.” While Tier 1 Construction Inc is a contracting business, the nature of work to be performed onsite is typical of permitted office uses normally found in the CG zoning district. So, no adverse impacts to adjacent properties are anticipated.

REQUIRED ACTION

The Community Development Board may consider a motion to recommend approval of the Tier 1 Construction Use-by-Exception (Application UBEX-13-00100065) to the City Commission, to permit a contractor, not requiring outside storage, to be located within the Commercial General (CG) zoning district at 33 West 6th Street, provided the following, or similar findings of fact:

- (1) Approval of this Use-by-Exception is in compliance with the requirements of Section 24-63, Zoning and Subdivision and Land Development Regulations, and is also consistent with Section 24-111 defining the Commercial General Zoning District.

- (2) The request is not contrary to public interest and is not detrimental to the health, safety and welfare of the general public.
- (3) The proposed use is compatible with adjacent properties and other properties in the surrounding area.
- (4) The Community Development Board may consider a motion to recommend approval of the Tier 1 Construction Use-by-Exception (Application UBEX-13-00100065) to the City Commission, to permit a contractor, not requiring outside storage, to be located within the Commercial General (CG) zoning district at 33 West 6th Street, provided the following, or similar findings of fact:
- (5) The Community Development Board may consider a motion to recommend approval of the Tier 1 Construction Use-by-Exception (Application UBEX-13-00100065) to the City Commission, to permit a contractor, not requiring outside storage, to be located within the Commercial General (CG) zoning district at 33 West 6th Street, provided the following, or similar findings of fact:

The Community Development Board may consider a motion to recommend denial of the Tier 1 Construction Use-by-Exception (Application UBEX-13-00100065) to the City Commission, to permit a contractor, not requiring outside storage, to be located within the Commercial General (CG) zoning district at 33 West 6th Street, provided the following, or similar findings of fact:

- (1) The request is contrary to public interest and may be detrimental to the health, safety and welfare of general public because _____.
- (2) The proposed use is not compatible with adjacent properties and other properties within the surrounding area because _____.

ATTACHMENTS *None.*