

## Staff Report-Variance

Public Hearing Date: January 19, 2022

Case: VAR-2023-01

**Proposed Request:** Variance for 50-foot undisturbed natural vegetative buffer and 25-foot impervious setback.

**Staff Report Compiled By:** LaShawn Gardiner

**Staff Recommendation:** Approval of Variance

### APPLICANT INFORMATION

**Owner of Record:**

Graddy Investments of Atlanta, Inc.  
700 Ruskins Drive  
Forest Park, GA 30297

**Applicant:**

Josh Lipscomb  
1703 Wyandotte, Ste. 200  
Kansas City, MO 64108

### PROPERTY INFORMATION

**Parcel Number:** 13015A A005

**Acreage:** 9.06

**Address:** 700 Ruskin Drive

**FLU:** Industrial

### ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

<u>Directions</u>	<u>Zoning &amp; Use</u>	<u>Directions</u>	<u>Zoning &amp; Use</u>
<u>North</u>	GC- General Commercial	<u>East</u>	LI-Light Industrial
<u>South</u>	LI-Light Industrial	<u>West</u>	<u>LI- Light Industrial</u>

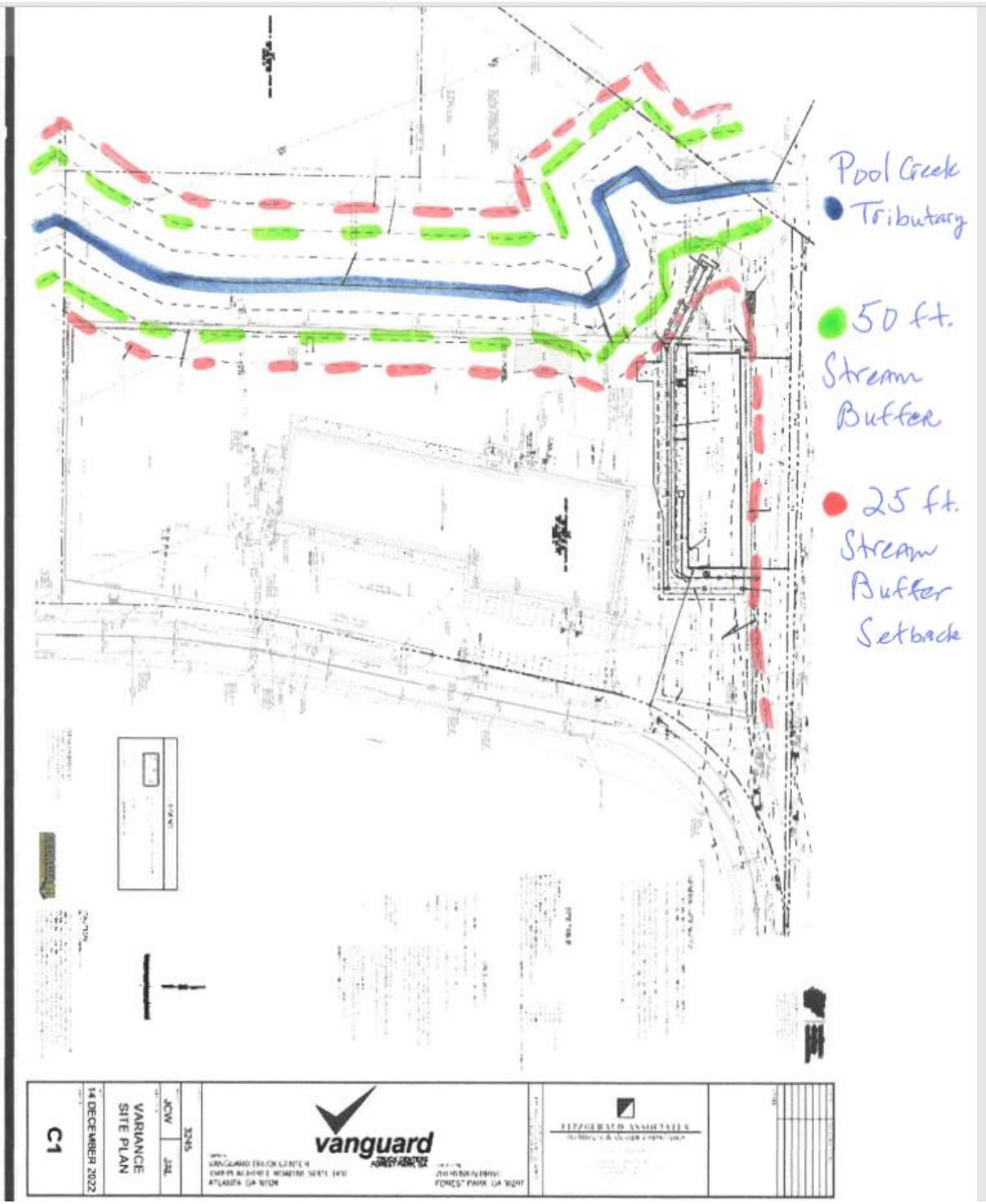
### SUMMARY & BACKGROUND

The subject property is the existing Vanguard/Volvo commercial trucking center on a 9.06 tract of property of which records show was developed in 1973. A tributary of Poole Creek passes through the west side of the property, and a segment of this same tributary runs along the northern edge of the property. The applicant proposes to construct an 11,650 sq. ft. storage building on the existing parking lot on the north side of the property.

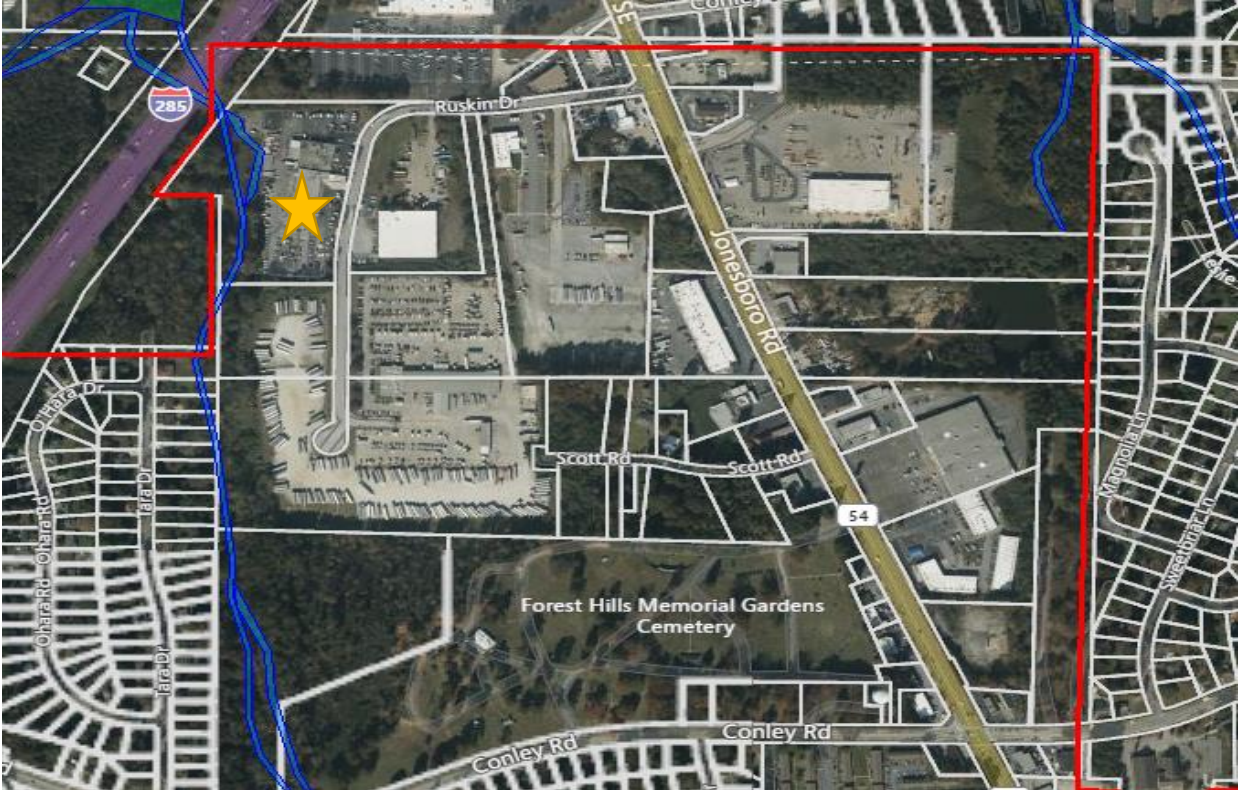
The Stream Buffer Protection Ordinance requires that an undisturbed natural vegetative buffer be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling, and earthmoving shall be minimized within the setback.

The applicant is requesting a Variance from the 50-foot 'undisturbed' natural vegetative buffer and the additional 25-foot setback to allow for the construction of a storage building. Approximately one-half acre (20,909 sq.ft.) of the impervious area of the site will be disturbed. Wetlands and floodplains consist of 2.51 acres of the property. Given the time the property was developed, portions of the subject property currently sit in the 50-foot undisturbed buffer.

SITE PLAN



**AERIAL MAP**



**Site Photo of Vanguard/Volvo**



### TRIBUTARY PHOTO

#### Pool Creek on West and North side of Property



### CONDITIONS FOR VARIANCES

The following factors will be considered by the planning commission in determining whether to issue a variance.

1. The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property;
2. The location of all streams on the property, including along property boundaries;
3. The locations and extent of the proposed buffer or setback intrusion;
4. Whether alternative designs are possible which require less intrusion or no intrusion.
5. The long-term and construction water-quality impacts of the proposed variance; and
6. Whether issuance of the variance is at least as protective of natural resources and the environment.

### STAFF RECOMMENDATION

Staff recommends APPROVAL of a Variance from the 50-foot undisturbed vegetative buffer and the 25-foot impervious setback requirement based on the following provisions of Section 8-9-5:

(b)(1), the parcel was platted prior to the effective date of this ordinance and the shape, topography and existing physical condition prevents the lawful use of the property by the owner, and

(b)(3b) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance creates a hardship.