

ZONING BOARD OF ADJUSTMENT STAFF REPORT
March 27, 2023

ZBA-23-23

GENERAL INFORMATION

Property Owner () Petitioner (X)

CenterPoint Integrated Solutions for CarMax Auto Superstores Inc. (Kirsten Cowan)

Requested Action and Purpose

Petition for a special exception to allow a temporary modular office

Location and Existing Zoning

3427 Skyland Boulevard East. Zoned BH. (Council District 6)

Size and Existing Land Use

Approximately 11.7 acres, Commercial

Surrounding Land Use and Zoning

North: Commercial, BH and MG

East: Commercial, BH

South: Single-family residence, R-2

West: Commercial, BH

Applicable Regulations

[Sec. 24-91](#). – Special exceptions.

(38) *Temporary mobile or modular office in commercial and industrial sites*

PRIMARY

- a. The applicant shall demonstrate to the satisfaction of the board that there are serious practical reasons to use a mobile or modular unit rather than conventional construction.

DISCRETIONARY

- b. Whenever possible, placement of the unit should be tied to a specific length of time or to the occurrence of a specific event. The unit shall be moved promptly after expiration of the allotted time, unless extended by the board.
- c. The unit should blend with nearby structures on the premises or the surrounding area, should have tie-downs and underpinning, and if feasible, not be easily visible from surrounding property or a public street.

SUMMARY

The petitioner is requesting for a special exception to use an existing module office. The modular office is approximately 1700 square feet. CarMax is currently under contract to purchase the property and expect to close on the property in September of this year. Per the petitioner, they are on track to apply for a Land Development Permit this month, and a Commercial Building Permit by August. CarMax plans to utilize the modular office to hold dealer-only auction events that are closed to the general public.

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Office of Urban Development, Planning Division: The modular office has been on this site since June of 2011, after a special exception was granted to Torrey Cochrane. Following this approval, three additional requests were made to the Zoning Board of Adjustment by Mr. Cochrane in 2013, 2015 and 2018 to extend the time in which the modular office would be permitted. The petitions were approved in 2013 and 2015, however the petition made in 2018 was denied. Mr. Cochrane appealed the denial to Circuit Court, where a settlement was made with the City. This settlement allowed Mr. Cochrane to keep the modular office for three additional years, or until November of 2023. The settlement was accompanied by restrictions which prohibit Mr. Cochrane or any of his representatives from petitioning for additional special exceptions.

Office of Urban Development, Code Enforcement: No violations found or complaints received

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

Fire and Rescue Department, Fire Administration: No comment



ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, July 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: 3427 Skyland Blvd East

Property Owner

Name: TMS Properties, LLC/Torrey Cochrane Phone: 205-886-1935 Email: tcochrane@contemporaryauto.com
 Address: 3427 Skyland Blvd E ZIP Code: 35405

Petitioner (if different from owner)

Name: CenterPoint Integrated Solutions for CarMax Auto Superstores, Inc.  Phone: 316-841-8550 Email: kcowan@centerpoint-is.com
 Address: 1626 Cole Blvd, Ste 125, Lakewood, CO ZIP Code: 80401

The Petitioner requests the following item(s) from the Zoning Board of Adjustment:

A special exception is a conditional use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A variance is a deviation from the regulations in the zoning ordinance which requires proof of an unnecessary hardship. An appeal is a formal challenge of the zoning officer's ruling.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Special Exception | <input type="checkbox"/> Use Variance | <input type="checkbox"/> Variance |
| Commercial \$ 200.00 per lot | Commercial \$ 200.00 per lot | Commercial \$ 200.00 per lot |
| Residential \$ 50.00 per lot | Residential \$ 50.00 per lot | Residential \$ 50.00 per lot |
| <input type="checkbox"/> Short-Term Rental \$ 400.00 per lot | <input type="checkbox"/> Appeal Zoning Officer's ruling \$ 10.00 per lot | |

Briefly describe the variance, special exception, and/or appeal being requested. Include any related information, such as number of parking spaces, hours of operation, etc., related to your request.

CarMax Auto Superstores, Inc. is requesting a Special Exception to use the existing ~1700 SF modular building currently on-site as a short-term auction sales office. CarMax is currently under contract to purchase the property to develop into a CarMax Retail Sales and Wholesale (Auction) facility, and is currently on-track to submit for preliminary site plan review for the Land Development Permit (LDP) and ALDOT permits by mid-March, and for LDP and building permit submittal by August 2023. The expected closing date of the property sale is 9/19/23. Construction on the retail and long-term auction is projected for late 2023.

The scope of the short-term auction operations include (17) customer/employee vehicle parking spaces, approximately 230 staging spaces for auction vehicles, and the existing 1700 SF modular office building. Auctions may be conducted 1-2 times per week during regular business hours, virtually or in-person within the office structure, and are conducted on an invitation-only basis with licensed dealers. Vehicles may be delivered outside of regular business hours. The public will not be able to shop for vehicles during the short-term auction period at this facility. New 6' chain-link fence and concrete K-Rail barrier will be constructed to secure this vehicle staging area. CarMax is eager to build the final retail and auction facility, and utilizing the property and office in the interim as a short-term auction creates an opportunity to begin growing the regional auction business before construction can begin.

PLEASE SUBMIT AN ELECTRONIC COPY OF THIS APPLICATION AND ANY NECESSARY SUPPORTING MATERIALS TO:

Office of Urban Development: 2201 University Boulevard, Annex III Email: zba@tuscaloosa.com
 Planning Division Tuscaloosa, AL 35401

Answer the following for VARIANCE requests ONLY:

The petitioner must specifically state a hardship for the variance. Explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in unnecessary hardship. Explain any special circumstances or conditions that are peculiar to the land or buildings because of which a strict application of the ordinance would deprive the applicant of the reasonable use of such land or building.

Explain how the variance request is in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Answer the following for SHORT-TERM RENTAL requests ONLY:

Provide the number of bedrooms and bathrooms the property has. Provide how many adults you are requesting to rent to and how many vehicles you are able to park in your driveway or parking areas (parking on the street is not allowed). Typically, two adults are allowed per vehicle. Include the width and length of your driveway. A typical parking space is 9’ wide by 20’ deep. Tandem parking (one vehicle behind the other) of not more than two vehicles is allowed, and a garage can be used. Photos can be provided with this application showing the proposed parking.

- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect shall be required.
- Requests for an exception from fence requirements must depict proposed location and design of fence.
- Any request which will not be represented by the property owner at the public hearing must be accompanied by a designation of agent form.

Certification of Applicant

I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I recognize the City will send public notification and place a sign on the property with information for the public. This Petition will not be accepted until all required information is provided.

Print Name: Kristen Cowan

Signature: Kristen Cowan

Digitally signed by Kristen Cowan
DN: C=US, E=kcowan@centerpoint-is.com,
O=CenterPoint Integrated Solution, CN=Kristen
Cowan
Date: 2023.02.20 16:59:22-07'00'

Date: 2-20-23



SITE INFORMATION	
DEVELOPED	4.15
DETENTION	0
WETLANDS	0
EASEMENTS	0
BUFFERS	0
EXPANSION	9.74
STEEP SLOPES	0.59
TOTAL	14.48

BUILDING INFORMATION	
SALES	0
PRESENTATION	0
RETAIL SERVICE	0
PRODUCTION	0
CARWASH	0
FQC/AUCTION	0
OTHER	0
TOTAL	0

NOTES

GENERAL

- KEY

CARMAX

12800 TUCKAHOE CREEK PKWY RICHMOND, VA 23238
804-747-0422 | CARMAX.COM

BY	DESCRIPTION
SWR	INCREASED CARRIER PARKING AREA
SWR	UPDATED LAYOUT FOR PHASE I SHORT-TERM AUCTION: REDUCED C/E COUNT, CHANGED CARRIER ROUTE
SWR	UPDATED AUCTION BUILDING, ADDED GATEHOUSE
SWR	CONCEPT PLAN FOR PHASE I SHORT-TERM AUCTION

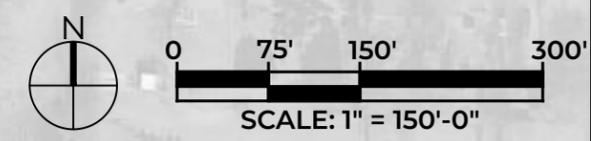
TUSCALOOSA, AL

CONFIDENTIAL
NOT RELEASED FOR CONSTRUCTION

PROJECT NO. XXXX
DATE 02.09.2023

SHEET TITLE
PRELIM. SITE PLAN

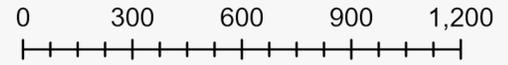
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SP-07



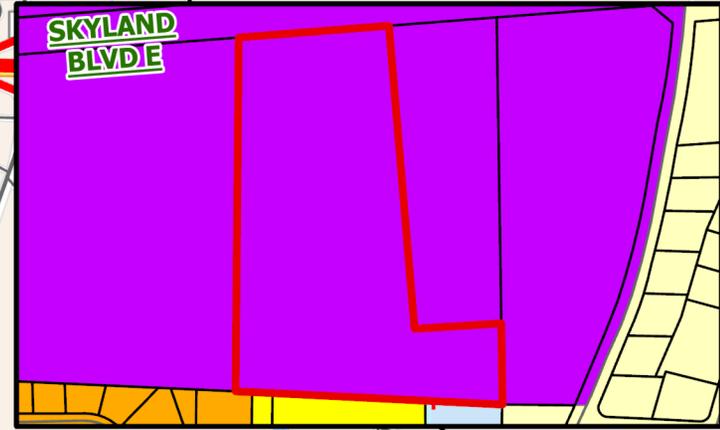
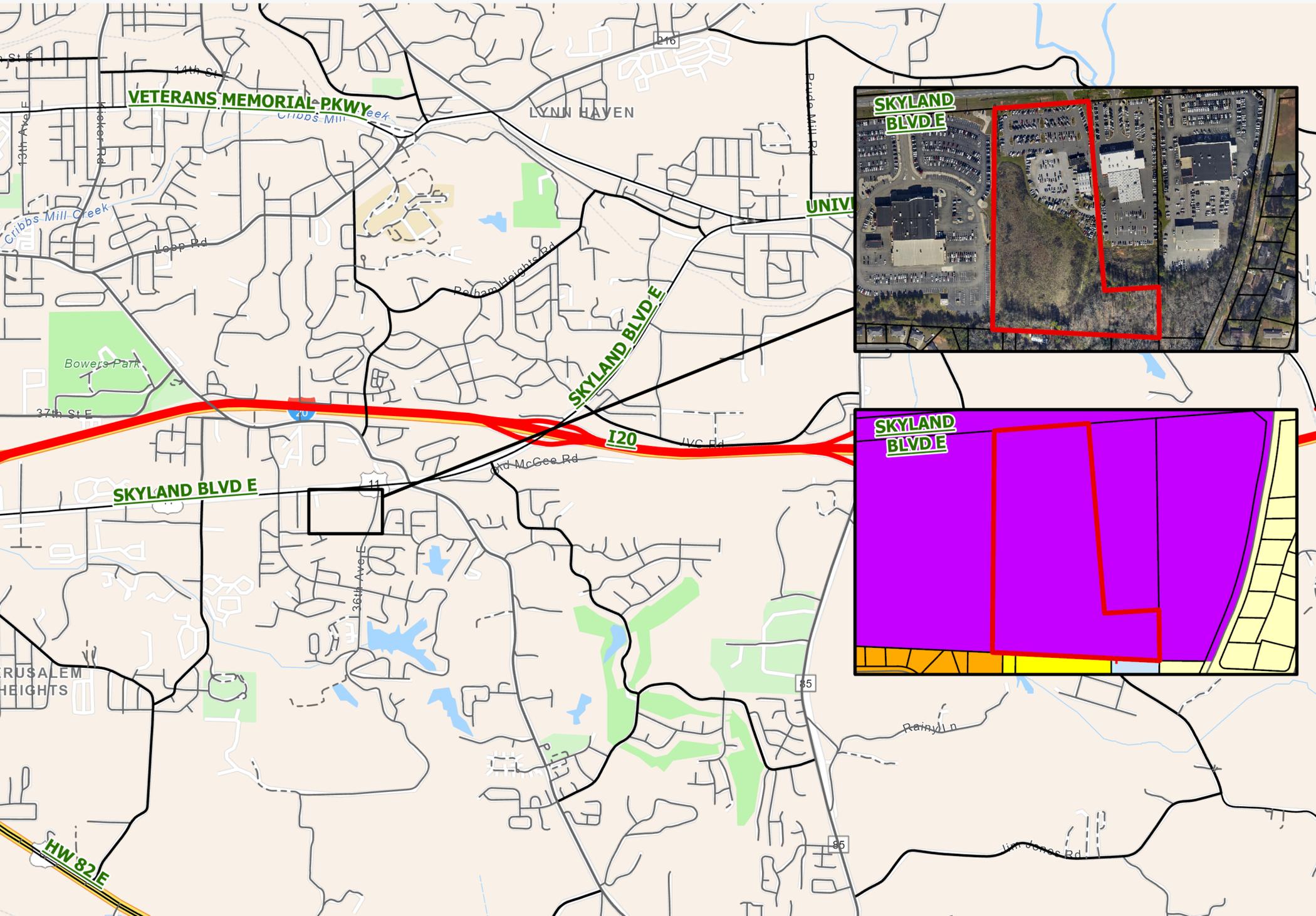


3427 Skyland Blvd E

1 inch = 523 feet



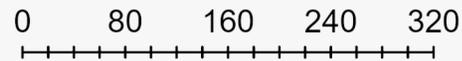
N





3427 Skyland Blvd E

1 inch = 149 feet



SKYLAND
BLVD E

36TH AVE E

36TH AVE E



CONTEMPORARY

Contemporary

RE

CONTEMPORARY

CA
Contemporary
Automotive





CONTEMPORARY

Contemporary
Auto Wash





TOYOTA