

RESOLUTION 2016 – 6

RESOLUTION APPROVING VARIANCE REQUEST (Silt Sock Inc.)

WHEREAS, the City of Foley (“City”) intends to sell real estate to Silt Sock Inc. and Eugene & Paul Properties LLC (the “Developer”) as part of an economic development project in the City’s industrial park; and

WHEREAS, Developer presented the City with a proposal for the purchase of property located within and owned by the City of Foley (“Property”) to construct a 60,000 square foot industrial building for the manufacturing and distribution of erosion control products (“Facility”); and

WHEREAS, the Developer has provided the City with its Site Plan for the Facility;

WHEREAS, the Developer has requested a Variance to the parking requirements to reduce the number from 100 required by the zoning ordinance to 24;

WHEREAS, the Planning Commission has reviewed and recommended approval of both the Site Plan and requested Variance; and

WHEREAS, the Site Plan for this project meets the City’s criteria.

NOW, THEREFORE, the Foley City Council makes the following findings of fact with respect to the requested Variance:

1. **Unique Circumstances**. There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. The building being proposed has a large footprint but much of it is used for storage and requires very few employees. 24 parking spaces exceed the number of employees that will ever be employed at the facility.
2. **Necessary to Preserve reasonable use of the property**. The property cannot be put to a reasonable use without the variance. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The facility being proposed would require an inordinately large property to accommodate the parking, which is not reasonable.

3. **Not merely economic.** Cost or money savings are not the only reason for the variance. The variance is necessary to accommodate the use on a reasonably sized parcel.
4. **Maintains the Character of the Neighborhood.** The variance will not alter the area's essential character of the neighborhood as an industrial park.
5. **Meets the Spirit of this Ordinance and Comprehensive Plan.** The variance maintains the spirit and intent of this Ordinance and the Comprehensive Plan.

FURTHER, the Foley City Council resolves as follows:

1. The Variance request is hereby approved.

PASSED AND ADOPTED by unanimous vote of the City Council of the City of Foley this 16th day of February, 2016.

CITY OF FOLEY

By _____
Dave Mosford, Its Mayor

Attest:

By _____
Robert Barbian, City Administrator