



Legislation Details (With Text)

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On agenda:	6/4/2024	Final action:			
Title:	ACCEPTANCE OF A SHARED DUMPSTER AGREEMENT BETWEEN 301 NE 3RD AVENUE (CHAZMONTI LLC) AND 319 NE 3RD AVENUE (BIG B INVESTMENTS LLC) FOR THE PURPOSE OF ACCOMMODATING TRASH DISPOSAL FOR TWO FULL SERVICE RESTAURANTS				
Sponsors:	Development Services Department				
Indexes:					
Code sections:					
Attachments:	1. Agenda Cover Report, 2. Shared Dumpster Tri Party Agreement, 3. 319 NE 3rd Avenue - Proposed Site Plan with Dumpster Location, 4. Simple Legal Review Approval Dumpster Agreement				
Date	Ver.	Action By	Action		Result

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence Moore, ICMA-CM
DATE: June 4th, 2024

ACCEPTANCE OF A SHARED DUMPSTER AGREEMENT BETWEEN 301 NE 3RD AVENUE (CHAZMONTI LLC) AND 319 NE 3RD AVENUE (BIG B INVESTMENTS LLC) FOR THE PURPOSE OF ACCOMMODATING TRASH DISPOSAL FOR TWO FULL SERVICE RESTAURANTS

Recommended Action:

Review and consider acceptance of a Shared Dumpster Agreement between 301 NE 3rd Avenue (Chazmonti LLC) and 319 NE 3rd Avenue (Big B Investments LLC).

Background:

On September 7, 2022, a Site Plan modification was submitted by the owner of 319 NE 3rd Avenue for an addition, exterior alterations, and a change of use to establish a restaurant at the subject property. A request to approve payment in-lieu of parking was also granted in affiliation with the site plan modification on June 3, 2023; and approval of a setback waiver as well as approval of modern vernacular as an architectural style was granted on August 8, 2023. As part of the site plan configuration, the applicant has proposed to share a dumpster located on the adjacent property to the south (301 NE 3rd Avenue) to service the waste disposal for this proposed restaurant, as well as the restaurant that is located next door.

The applicant has provided email correspondence from Waste Management confirming that while Waste Management does not typically support projects with shared containers as it is preferable for the service provider to have a separate container with a separate account for each customer, the option does exist. In the event the applicant seeks use of a shared dumpster, the minimum frequency of pick-up would be three to five times a week based on a volume of six yards; this could be

increased based on demand and/or modified based on the size of the container.

The Commission should consider that full service restaurants generate a high volume of waste and that the proposed location of the dumpster is outside without climate control. Including potential mitigation actions if the stench generated due to the nature of the waste product and exposure to the elements, sufficient frequency of pick-up is crucial otherwise the shared dumpster could pose a detriment to surrounding properties and the general public near the vicinity if not adequately serviced.

An alternative location for a dumpster on the Applicant's property has been proposed in the event the shared dumpster agreement is not accepted.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

In order for the Site Plan application to move forward for consideration as proposed the shared dumpster agreement must first be accepted.