

Board of Adjustment



Minutes

**City Council Chambers, Lower Level
July 8, 2014**

Board Members Present:

Trent Montague – Chair
Mark Freeman
Tyler Stradling
Wade Swanson

Board Members Absent:

Chad Cluff (excused)

Staff Present:

Gordon Sheffield
Angelica Guevara
Wahid Alam
Christine Zielonka
Mike Gildenstern

Others Present:

James Gardner
Blake Gillman
Keith Laidlaw
Susan Laidlaw
Jeanette Sherlock

The study session began at 4:34 p.m. The Public Hearing began at 5:30 p.m. Before adjournment at 5:39 p.m., the following items were considered and recorded.

Study Session began at 4:34 p.m.

- A. Zoning Administrator's Report
 - 1. Discuss a proposal to allow portable storage containers in a manner similar to detached accessory buildings, and also for specific temporary uses.
 - 2. Discuss a proposal to create an option to allow temporary signs on commercial property for promotional events.
- B. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:11 p.m.

Public Hearing began at 5:30 p.m.

- A. Consider Minutes from the June 10, 2014 Meeting a motion was made by Boardmember Stradling and seconded by Boardmember Swanson to approve the minutes. Vote: Passed 4-0 (Absent – Boardmember Cluff)

**Board of Adjustment Meeting
July 8, 2014**

Case No.: BA14-040

Location: 1224 North Gilbert Road

Subject: Requesting: 1) a Special Use Permit to allow the reduction of required parking spaces; and 2) a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial site, all in the LC zoning district. (PLN2014-00246)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Freeman and seconded by Boardmember Stradling to approve case BA14-040 with the following conditions:

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
2. *Revise the proposed site plan to coordinate with the entire shopping center approved site plan, landscape plan and exterior design per approved BA13-025.*
3. *Work with staff to design the proposed Pet Club building by incorporating existing architectural elements, material, color and texture from existing building to the south (Dunkin Donuts, Zoyo and proposed Modern Grove).*
4. *Provide at least 73 parking spaces for the entire shopping center (8 space in front of Pet Club and 65 spaces distributed with in the rest of the center per BA13-025).*
5. *Compliance with Design Review approval for the proposed redevelopment.*
6. *Proposed signs (attached and detached monument signs) will need separate Sign permit. Placement of the monument sign within the future right of way line on Gilbert Roads is subject to a sign agreement.*
7. *Compliance with all requirements of the Development Services Office with the issuance of building permits.*

FINDINGS:

1. The applicant is requesting a Special Use Permit to allow the reduction of required parking spaces; a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial site as part of a group commercial development without having to provide full improvements to comply with current code requirements.
2. The applicant previously redeveloped (approved BA13-025) the lot with Dunkin Donut and Zoyo building and is interested to develop the adjacent lot at 1224 North Gilbert with convenience store on it.
3. The applicant wants to improve the building by widening front foundation base and providing perimeter landscape yard along Gilbert Road. The curb appeal will further improve with proposed front elevation designed to be compatible in material, color, and texture with the existing building to the south and proposed site plan per BA13-025.
4. The proposed redevelopment will expand the existing building from 2,781 square feet to 4,939 square feet and improve the front yard from entirely asphalt parking lot to include foundation base and perimeter landscaping along Gilbert Road
5. The additional foot print proposal will both physically and visually tie the proposed Pet Club in the current convenience store building at 1224 North Gilbert Road and existing building at 1958 East Brown Road with landscaping in the front and pedestrian connection and architectural elements.

**Board of Adjustment Meeting
July 8, 2014**

6. The proposed site plan eliminates one existing driveway, provides 18 feet wide landscape yard along Gilbert Road, and 15 feet wide foundation base along the front of the building still maintaining 8 parking spaces in the front. It is quite a substantial improvement from existing asphalt covered front yard to perimeter landscaping, reduced driveways from two to one and maintaining the cross access with the rest of the shopping center.

Vote: **Vote (4-0) (Absent – Boardmember Cluff)**

**Board of Adjustment Meeting
July 8, 2014**

Case No.: BA14-041

Location: 3130 E. Broadway Road

Subject: Requesting: 1) a Special Use Permit (SUP) to allow the expansion of a medical facility; and 2) a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of the site, all in the RM-4 zoning district. (PLN2014-00286)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Freeman seconded by Boardmember Stradling to approve Case BA14-041 with the following conditions:

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions below.*
2. *Compliance with all requirements of Design Review Administrative Approval.*
3. *Compliance with all requirements of Development Services in the issuance of building permits.*

FINDINGS:

1. This request is for a SUP and a SCIP to accommodate the expansion of an existing single story skilled nursing facility in the RM-4 district. The applicant is proposing to construct a 2500 square-foot addition, which will house a rehabilitation center for existing residents. The expansion is proposed in an interior courtyard, so it will not have a visible impact from the exterior of the property.
2. The site is located about a quarter mile east of Lindsay Road on the north side of Broadway. There are two entrances from Broadway Road with parking provided along Broadway and along the east property line. There is one primary entrance to the building on the south side, which is defined by an existing porte cochere.
3. The existing development encroaches into the required side yard setbacks on the east and west property lines. Compliance with these setbacks would remove necessary parking spaces and a loading zone for the existing development. The deviation along the east property line is 5-feet, providing a 15' setback to the parking spaces. The deviation along the west property line is 8-feet, leaving a 12' setback. The impact of the larger reduction on the west is mitigated by the fact that it is adjacent to an entry drive for the development to the north.
4. Landscaping on the perimeter of the site is existing and fully mature. The proposal does not include additional landscape materials along the north or west property lines. There is an existing mature Oleander hedge along the west, north and east property lines, which provides significant screening from adjacent developments. The applicant has only proposed to add landscape plant material along property lines that are visible from the public street or public parking and will provide the number of plant materials that is commensurate with current code requirements on those two sides. The area that is left blank, adjacent to the oleander hedges with just decomposed granite, along the north and west sides of the building, has been left as a fire-lane.
5. Current code requires that there is one landscape island with 1 tree and 3 shrubs for every 8 parking spaces within the development. The applicant has proposed that they leave the existing parking in its current configuration with no additional landscape islands. The addition of the landscape islands would eliminate necessary parking spaces for the development.
6. Full compliance with current Code development standards would require significant demolition of

**Board of Adjustment Meeting
July 8, 2014**

existing improvements.

7. The proposed Special Use Permit is being requested to allow the expansion of the existing skilled nursing facility in the RM-4 zoning district.
8. The proposed expansion to the skilled nursing facility is compatible with adjacent developments, as it is on the interior of the site, within a courtyard, and its purpose is to serve existing residents. Therefore, the proposed expansion will be compatible with, and not detrimental to, surrounding properties.

Vote: Vote (4-0) (Absent – Boardmember Cluff)

**Board of Adjustment Meeting
July 8, 2014**

Case No.: BA14-042

Location: 55 South Horne

Subject: Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height allowed in the LC zoning district. (PLN2014-00307)

Decision: Approved with Conditions

Summary: The applicant, James Gardner of 116 Sundown Rd in Prescott AZ, gave a brief presentation to the Board. He explained that the fifth condition of approval calls for a 24" stand-off from the tower. He informed the Board that he has already modified the monopole from a 10 ½ foot to a 9' width on each cross arm, providing significantly less space to locate the 4 antennae. When the standoff is reduced by 6", the antennae are squeezed too close to function properly. Mr. Gardner proposed staff either reduce the width of the cross arm to 9' or reduce the 24" standoff requirement, but not both. He concluded that if he was required to do both, the monopole would require two arrays, one at 53' tall and one at 40', reducing the possibility for future co-location on the tower.

Mr. Gardner explained to Boardmember Swanson that he would rather modify the width of the cross arm to the 9' width instead of the 10 ½ foot width, as he had originally requested.

Boardmember Swanson proposed a modification of Condition #5, citing that moving the standoff distance 6 inches from 2 ½ feet to 3' at a height of 50' in the air, was a negligible difference.

Staffmember Guevara explained that staff formulated condition #5 based on typical conditions and typical requirements that are normally applied to monopoles, but the applicant has indicated that this specific facility cannot meet those requirements.

Staffmember Guevara clarified for Chairperson Montague that a motion could modify condition five to require a 30" stand-off from the previously-required 24" stand-off.

Motion: It was moved by Boardmember Stradling seconded by Boardmember Freeman to approve Case BA14-042 with the following conditions:

1. *Compliance with the site plan and elevations submitted and dated February 12, 2014, except as modified by the following conditions below.*
2. *The wireless communication facility shall utilize a monopole design with a maximum height of sixty-feet (60') to the top of the pole with a fifty-five foot (55') RAD center to the antenna array.*
3. *The wireless communication facility shall utilize an unpainted galvanized metal pole.*
4. *All wiring shall be located within the pole.*
5. *The antenna array stand-off shall not exceed 30" maximum from the pole.*
6. *The antenna array for each sector shall not when exceed an overall width of 9'.*
7. *The antennas shall not exceed 16.2" wide x 7.2" deep x 8' tall.*
8. *All antennas, remote radio heads, j-boxes, mounting hardware, and other equipment near the antenna shall be painted to match the color of the pole.*

**Board of Adjustment Meeting
July 8, 2014**

9. *The 12' x 26' lease area containing the equipment shelter and generator shall be screened by the existing masonry wall or with a new wall if the existing wall is not tall enough to effectively screen the equipment.*
10. *The gate shall be opaque and shall include solid metal slats.*
11. *The operator of the monopole shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
12. *Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.*
13. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.1.*
14. *No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agents shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
15. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

FINDINGS:

1. The applicant is proposing a monopole located on a site formerly used as an electric utility sub-station. Adjacent to this site are transmission lines which are primarily on 40-ft high wooden poles, and includes a large, 70-ft high metal monopole used by the electric utility exclusively for transmission lines. The electric substation equipment has been removed, but the site is still to be used to locate a transmission pole to facilitate placement of the electric distribution lines underground. A 40-ft high wooden pole is currently in place, and is proposed to be replaced. This proposal would increase the pole size by 20-feet, to a 60-ft total height, which is 5-feet taller than what may be allowed as a change on an administrative basis.
2. The area surrounding the former substation site includes residential zones on the east and west. In addition, single-residence zoning exists just 70' to the south of the site. The applicant has evaluated existing verticality within the search radius, and has determined that there are no existing structures that can be collocated to address the specific coverage gap. The applicant has not proposed a stealth design which is preferred in the code and by staff. In addition, there is a three-story residential development that has started construction and is located just north and west of the site and is within 390' of the existing site. Staff would prefer the applicant explore the option of collocating on the 56' tall building that is under construction.
3. The applicant has requested the use of a freestanding monopole with a height of 60 feet to the top of the pole and a RAD center of the antennas at 55 feet. The monopole design is the last option of the design preferences. Since the site is has residential zoning on various sides staff believes other options should be explored before a monopole is authorized.
4. There are no other existing wireless communication facilities within 1,000 feet of the site.
5. The applicant's request proposes to use the existing a block wall that surrounds the site. There is also an existing wood gate. The existing wood gate will need to be replaced with a material that is durable and opaque as wood fences are not allowed for screening purposes.
6. The monopole is proposed 105 feet from the residential uses to the west of the site where 120 feet are required. It is also proposed 90 feet from the east property line where 120 are required. The proposed wireless communication facility is proposed 40 feet from Horne where 61 feet are required.
7. Staff has concerns that the proposed antenna array has not designed to be close mounted to the pole

**Board of Adjustment Meeting
July 8, 2014**

and has not been designed or located in a manner that minimizes its visibility from the adjacent residential uses and street view.

8. The applicant has not provided a landscape buffer of plant materials to screen views from adjacent residential properties or the public right-of-way.

Vote: Vote (4-0) (Absent – Boardmember Cluff) (Excused- Boardmember Hitchens)

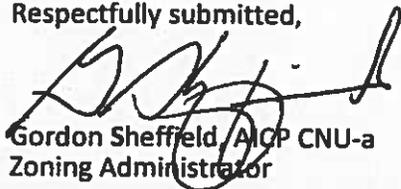
**Board of Adjustment Meeting
July 8, 2014**

OTHER BUSINESS:

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,



Gordon Sheffield, AICP CNU-a
Zoning Administrator

12/15/2011

12/15/2011

and

12/15/2011

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