

Board of Adjustment

Minutes

City Council Chambers, Lower Level
February 12th, 2013

Board Members Present:

Danette Harris- Chair
Wade Swanson
Greg Hitchens
Trent Montague- Vice Chair
Tyler Stradling

Staff Present:

Gordon Sheffield
Angelica Guevara
Jeff McVay
Kaelee Wilson
Jason Sanks
Wahid Alam
Lesley Davis

Board Members Absent:

Others Present:

Tim Burmer	Ingrid Cole
David M. Brown	Phil Schramm
Cordelia Barham	Tara Anastasi
Mark Hopkins	Olivia Anastasi
Rodney Cole	Ozgur Celik
Tina Marie Lanpher	Mike Demaio

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:42 p.m. Before adjournment at 6:51 p.m., the following items were considered and recorded:

Study Session began at 4:30 p.m.

- i. Zoning Administrator's Report:
Mr. Sheffield reported the status of the Sign Code update to the board. Mr. Sheffield stated there will be a Sign Code Update Advisory Committee meeting on February 21st, 2013 to discuss the update.
- ii. Mr. Sheffield explained a recent appeal case from Phoenix's Board of Adjustment. The court found that anyone that pays taxes within the municipality has the right to appeal a decision made by a Board.

B. The items scheduled for the Board's Public Hearing were discussed.

Study Session was adjourned at 5:34 p.m.

Public Hearing began at 5:42 p.m.

- A. Appointment of Vice Chair Board member Swanson made a motion to appoint Board member Montague. The motion was seconded by Board member Hitchens. Passed 5-0
- B. Consider Minutes from the January 8th, 2013 Meeting a motion was made to approve the minutes. Vote: Passed 5-0
- C. Consent Agenda a motion to approve the consent agenda as read, as read was made by Board member Swanson and seconded by Board member Hitchens. Vote: Passed 5-0

**Board of Adjustment Meeting
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- Case No.:** BA12-050
- Location:** 1303 East Main Street
- Subject:** Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of an existing commercial building in the GC zoning district. (PLN2012-00400)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis. The request was to redevelop and expand a tire shop on Main Street.
- Motion:** It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA12-050 with the following conditions:
1. *Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as modified by the conditions below.*
 2. *Dedication of right-of-way to achieve a 65-foot half street along Main Street.*
 3. *The removal of all structures (signs, walls, etc.) located within the 65-foot half street right-of-way.*
 4. *Compliance with all requirements of the Planning and Zoning Board site plan review approval.*
 5. *Compliance with all requirements of Design Review approval.*
 6. *Compliance with all City development codes and regulations.*
- Vote:** Passed 5-0

FINDINGS

- 1.1 This approval allows the development of a tire shop on GC zoned property. The expansion includes: 1) refurbishing of an existing 1,223 square foot building along Main Street into an office/showroom with new entry door, windows, and paint; and 2) the construction of a new 1,890 square foot shop building along Allen Street with two work bays and roll-up doors.
- 1.2 The approved site plan does not conform to the Stapley Village development standards set forth in the Central Main Plan; however, the use is allowed by the existing GC zoning. As such, the ability to review the proposal against the recommendations of the Central Main Plan is limited to addressing the building form for this allowed use.
- 1.3 Concerns related to the design and quality of building materials will be addressed through the Design Review process.
- 1.4 The applicant has appropriately noted the project is eligible for SCIP consideration, as full compliance with current development standards would require the demolition or significant reconstruction of existing development and landscape, building, and retention improvements justify the requested deviations.

Board of Adjustment Meeting
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Case No.: BA12-054

Location: 2136 East Baseline Road

Subject: Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height allowed in the LC zoning district. (PLN2012-00386).

Decision: Approved with Conditions

Summary: Tim Burmer, one of the applicants, presented the case to the board. Mr. Burmer explained that they had a productive community meeting with the concerned residents of the adjacent neighborhood. Mr. Burmer stated they have made changes to their plan in response to the concerns raised during the community meeting.

Board member Harris asked the applicant if they have the signal maps that were requested previously by the Board. Ozguc Celik, a radio frequency engineer, presented a signal map at 65 feet in height and the other at 42 feet in height. Board member Hitchens asked Mr. Celik why he chose 42 feet and not 50 feet. Mr. Celik responded that the signal map would not have changed with the additional 8 feet.

The Board opened the hearing for public comment.

The following from the public commented:

Olivia Anastasi, Phil Schramm, Cordelia Barham, David M. Brown, Tara Anastasi and Rodney Cole.

Their concerns were as follows:

- This cell tower will contribute towards blight and the reduction in property values.
- Resale of the adjacent homes will be more difficult.
- There is general opposition as illustrated in petition submitted to the City.
- Height is not compatible with the adjacent properties.
- The tower will discourage developers from purchasing and developing the property.
- The cell tower will not be aesthetically pleasing.
- The public was not properly notified.

Scott September, one of the applicants, responded to public comment. Mr. September stated he has received 24 letters of support for the tower. An industrial area would have been AT&T's preference, but since there's no industrial district within the range that would fill the coverage gap, the tower has to be located in a commercial zoning district.

Gordon Sheffield, the Zoning Administrator, clarified that letters went out to residents within 500 feet and that the site was posted by staff three separate times.

Jeff McVay, the planner for the case, stated the site exceeds code requirements of being 300 feet from residential and 250 feet from the street.

A brief discussion ensued amongst the board prior to a motion being made.

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Motion: It was moved by Board member Swanson seconded by Board member Montague to approve case BA12-054 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions below.*
2. *The commercial communication towers shall utilize a mono-palm design with a maximum height of seventy feet (70') to the top of the palm canopy and sixty-seven feet (67') to the top of antennas.*
3. *The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Ten palm fronds shall be a minimum of 10-feet in length with the remaining palm fronds no less than 7 feet in length.*
4. *The antenna arrays stand-off shall not exceed twenty-four inches (24") from the pole.*
5. *The antenna array for each sector shall not exceed an overall width of six feet (6').*
6. *The antennas shall not exceed 96" long x 11.8" wide x 6" deep.*
7. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
8. *A minimum four-foot (4') wide landscape planter shall be provided around the perimeter of the screen wall. A minimum of five (5), five-gallon (5) size shrubs shall be planted within this landscape planter.*
9. *Provide one (1) 45' foot tall and two (2) 35' foot tall date palm trees to be planted in cluster around the mono-palm to blend the mono-palm with the surroundings.*
10. *The operator of the mono-palm site shall provide sufficient evidence with construction permit documents that an automatic irrigation system will be installed to maintain the palms and shrubs.*
11. *The operator of the mono-palm shall ensure regular maintenance of installed palms and shrubs to ensure they do not become unkempt, overgrown, or an eyesore.*
12. *The operator of the mono-palm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
13. *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.*
14. *Technician access and parking shall be provided from the south, through the existing commercial development and existing driveway stub, unless evidence is provided that such access is not feasible. If access cannot be provided from the south, access shall be provided from 24th Street and shall be sited as close to the commercial development as possible.*
15. *The ingress/egress drive and technician parking area shall be protected against illegal use with a gate located at the entrance to the property.*
16. *The ingress/egress drive and technician parking area shall consist of a dust proof surface enclosed by curbing or other similar material. Dust proof surface, at a minimum, shall be defined as decomposed granite or similar material to a minimum depth of three inches (3").*
17. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5-I.*
18. *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 agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
19. *Future co-location of one additional carrier may be allowed through a separate zoning approval, provided appropriate methods are used to camouflage the additional antennas and equipment.*
20. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

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Vote: Passed 5-0

FINDINGS

- 1.1** The mono-palm wireless communication facility is an allowed use in the LC Zoning District subject to the granting of a Special Use Permit (SUP).
- 1.2** The development of a new 67-foot tall (70 feet to top of fronds) wireless communication facility is appropriate at this location as existing vertical structures of sufficient height to accomplish capacity and coverage goals were not available.
- 1.3** The 67-foot mono-palm design is an appropriate method to blend a wireless communication facility into this environment. Concerns with the ability of a mono-pine design to sufficiently camouflage the antennas were addressed through conditions of approval.
- 1.4** The wireless communication facility exceeds the minimum required setbacks of the base Zoning District and the setback requirements for stealth tower designs. The mono-palm would be located greater than 300 feet from the nearest residential use and greater than 250 feet from the nearest adjacent street. All ground-mounted equipment will be enclosed and screened by an eight-foot high CMU wall painted to match existing development.
- 1.5** The addition of a four-foot wide landscape area around the base of support structures and equipment facilities (consistent with Code requirement), will help buffer the facility. To additionally mitigate the visual impact of the mono-palm, the approval of the plan includes the planting of three palms of various heights in the vicinity of the mono-palm.
- 1.6** The mono-palm design to camouflage antennas and wiring and has been proposed in a location consistent with such camouflaging. The conditions of approval will help ensure the mono-palm design is an effective solution to camouflage and reduce the visual impact of the wireless communication facility.
- 1.7** The approved wireless communication facility was the subject of a neighborhood meeting. The neighborhood meeting took place on January 15, 2013 at Houston Elementary School. Since the letters of notification were mailed and completion of this report, staff has had a phone conversation and received an email, both from one neighbor in opposition to this request.
- 1.8** The distance from adjacent residential uses, the context of the site, and use of a stealth design are evidence that the mono-palm wireless communication facility would be compatible with and not detrimental to surrounding properties.

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- Case No.:** BA13-005
- Location:** 1305 West Main Street
- Subject:** Requesting a Special Use Permit to allow a caretaker's quarters in the LC zoning district. (PLN2012-00493)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis. This request was for a caretaker's in the Restaurant Supply store, formerly a Wal-Mart.
- Motion:** It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA13-005 with the following conditions:
1. *Compliance with the site plan exhibit submitted.*
 2. *Compliance with all other zoning development standards for the LC district.*
 3. *Compliance with all requirements of the Development Services Division in the issuance of any necessary building permits.*
- Vote:** Passed 5-0

FINDINGS

- 1.1 The project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies.
- 1.2 The location, size, design, and operating characteristics of the approved project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
- 1.3 The approved project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
- 1.4 Adequate public services, public facilities and public infrastructure are available to service the approved project.

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Case No.: BA13-007

Location: 1626 North Country Club Drive

Subject: Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of an existing site in the LC zoning district. (PLN2012-00498)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis. The request was to redevelop an existing chiropractor's office.

Motion: It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA13-007 with the following conditions:

1. *Compliance with the site plan, landscape plan, and building elevations submitted, except as modified by the conditions listed below.*
2. *Recordation of lot combination of parcels 135-11-010A and 135-11-003A prior to the issuance of a construction permit.*
3. *Land Split required for the split of lot 3 which resulted in the creation of parcel 135-11-010C.*
4. *Provide a recorded cross-access agreement and 6-inch vertical concrete curb and 5-foot wide temporary landscape adjacent to each side of the drive-aisle on parcel 135-11-010C or remove access drive to McLellan Rd.*
5. *Compliance with all requirements of Administrative Design Review.*
6. *The proposed roof-mounted HVAC unit shall instead be ground-mounted and screened to comply with Sec. 11-30-9.*
7. *Provision of a pedestrian connection to Country Club Drive.*
8. *Provision of a 6-inch vertical curb between all drive-aisles/parking spaces and landscape areas.*
9. *Provision of a three and a half foot (3.5') high masonry screen wall along the east and south boundaries of the site to screen parking spaces from street view.*
10. *Provision of a minimum six-foot (6') high masonry screen wall adjacent to the west property line.*
11. *Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.*
12. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed 5-0

FINDINGS

- 1.1 The applicant was approved for a 1,000 square feet addition to an existing building. The site was developed in 70's with setbacks, parking, and parking lot landscape requirements that differ from those required by current Code. The building addition and the development of the remaining parcel consistent with the existing pattern of development requires deviations from current Code.
- 1.2 The applicant was approved for deviations from current Code requirements related to setbacks around the perimeter of the site, foundation base, and the patient drop off area. These reductions would allow the addition of 1,000 square feet without requiring significant alteration of the site or demolition of the existing

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building other than the relocation of the roof-mounted HVAC unit in order for adequate screening to be provided.

- 1.3** The applicant has provided sufficient evidence that compliance with current Code requirements would not be possible without significant alteration of the site, resulting in the demolition of the existing building and/or a significant reduction in on-site parking. To provide substantial conformance with current Code development standards, the applicant will refurbish existing landscaping throughout the site and provide additional landscape adjacent to the west where residential exists.

- 1.4** The approved site and landscape plans, including staff recommended conditions for approval, substantially conform with the intent of the Code and provide a development that is consistent with and not detrimental to adjacent properties.

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- Case No.:** BA13-008
- Location:** 2256 North Mesa Drive
- Subject:** Requesting variances to allow: 1) Existing structures to encroach into front and side setbacks; 2) to allow the roof height of a detached accessory structure to exceed the maximum height allowed in the RS-43 zoning district. (PLN2012-00501)
- Decision:** Approved with Conditions
- Summary:** Yana and Kevin Redihead, the owners and applicants, presented the case to the board. They briefly described the request for a shop addition.
- Board member Swanson asked the applicants if they opposed any of staff's recommendations. They responded that they were fine with staff's recommendations.
- Mike Demaio was present in opposition but did not wish to speak. His comment on the speaker card read, "Don't be duped. For the past two years they've been operating a towing company in a quiet residential area".
- The applicants responded that they own a towing company but do not run it out of the home. Mr. Redihead stated that he can see how it is perceived that way because he occasionally will drive one of the tow trucks home.
- Motion:** It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA13-008 with the following conditions:
1. *Compliance with the site plan and exhibits submitted.*
 2. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*
- Vote:** Passed 5-0

FINDINGS

- 1.1** The approved variance is being requested to allow three existing structures to remain within the side and front setbacks and to accommodate a new 1600 square-foot detached structure within the buildable area that exceeds the height of the existing home. The existing home is 15-feet, 5-inches to the peak of the roof. The applicant was approved for a new addition of a carport on the north side of the home, which will be taller than the home at 17-foot, five-inches to the peak. The approved detached accessory structure is 24-feet at the peak. The detached building will be located 12-feet from the south property line, more than 105-feet south of Leland on the north, and approximately 32-feet west of the patio of the existing home.
- 1.2** The subject site located in Lehi and is currently zones RS-43. The lot itself is only 36,198 square-feet due to right-of-way dedications for Mesa Drive and Leland Street that took place prior to the applicant taking ownership of the property. The east side of the existing home along Mesa Drive is encroaching 8-feet into the required 30-foot front setback and 3-feet, 8-inches into the required 10-foot side yard setback on the south. There are also two separate existing covered horse stall structures that extend into the side setbacks on the north and south. The first structure is located at the southwest corner of

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the property and encroaches 3-feet, 10-inches into the 10' side yard setback. The existing stalls on the north property line extend all the way into the 20-foot side yard setback along East Leland Street. This structure existed prior to the construction of East Leland Street, which was installed as part of the subdivision improvements for the subdivision located to the west of this property.

- 1.3** The Zoning Ordinance allows for a detached accessory structure to exceed the height of the home, up to 30-feet in height if the property is a minimum of one acre in size. As previously stated, this parcel has been whittled down to 36, 198 square-feet in area due to right-of-way dedications, but is still zoned RS-43 and still functions as a horse property.
- 1.4** The applicant has provided a Justification and Compatibility Statement for this request indicating the following: 1) The encroachments of the existing buildings are existing conditions created by right-of-way dedications for North Mesa Drive and East Leland Street and the development of subdivisions around the property prior to the applicant purchasing the property; 2) The existing home was constructed in the early 70's; 3) The height of the existing home is a much lower scale than that of the homes in the neighborhood; 4) The detached building is intended as an accessory structure on a horse property in an RS-43 zoning, which enhances the rural character of the property; 5) The detached building will house equipment such as trailers, small tractor, RV and other miscellaneous equipment to protect them from the outdoor elements; and 6) The detached building is commensurate with the heights of the existing homes in the neighborhood, will be located more than 30-feet behind the existing home, and maintain all required setbacks.
- 1.5** There are special circumstances that apply to this request that are pre-existing and not self-imposed. Strict compliance with the Code would cause the applicant to remove structures that have been in place for decades and require significant alteration to their existing home. This property is zoned RS-43 adjacent to newer subdivision development, which has carved out this property and created the existing conditions, therefore requiring compliance with the ordinance would deprive the property of privileges enjoyed by other properties in the same zoning district. This variance request does not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.

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- Case No.:** BA13-011
- Location:** 922 North Gilbert Road
- Subject:** Requesting a Special Use Permit to allow the number of special events to exceed the maximum allowed in the OC zoning district. (PLN2012-00503)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis. The request was to authorize "My Vintage Venue" reception hall.
- Motion:** It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA13-011 with the following conditions:
1. *Compliance with the site plan submitted, except as modified by the conditions below.*
 2. *Provide a recorded Reciprocal Parking Agreement with the property owner of the Montessori Education Center North at 815 North Gilbert Road.*
 3. *The maximum number of guests at an event may not exceed 100.*
 4. *Valet parking in the lawn will not be utilized unless the parking at 815 North Gilbert Road is full.*
 5. *Only one (1) event is permitted per weekend.*
 6. *Compliance with the 'Good Neighbor Policy' dated December 3, 2012, submitted with the request.*
 7. *Compliance with all conditions of approval for ZA08-028 and BA12-018, except as modified by this request.*
 8. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits, including retention and location of the Solid Waste Enclosure.*
- Vote:** Passed 5-0

FINDINGS

- 1.1** The existing development consists of three separate buildings that serve as offices. This property was rezoned in 1998 from RS-9 to OC, allowing the single-family home to be converted into an office (reference Z98-108). A SCIP was approved on this site on March 25, 2008 (ZA08-028) granting several deviations to code relating to landscaping and setbacks to accommodate the expansion of the office building so that they could accommodate conferences, seminars and workshops on the site related to the office use. A second SCIP along with a Special Use Permit for a wedding reception center with a time limit was approved on June 12, 2012. The previous Special Use Permit also included an alternative parking plan that allowed off-site parking on the adjacent site as well as valet parking at 815 North Gilbert Road.
- 1.2** The previously granted Special Use Permit expired on January 2, 2013 due to the time limit set by the Board of Adjustment at the June 12, 2012 hearing. This time limit was set due to the parking agreement with the medical office to the north. The applicant had an agreement with that owner to utilize their parking lot until the end of the year. The Board also discussed that the time limit would help assure that neighborhood concerns had been addressed and the "Good Neighbor Policy" submitted by the applicant was being met.
- 1.3** The new approved alternative parking plan includes 17 standard parking spaces, 33 valet parking

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spaces at the Montessori school at 815 North Gilbert Road and 18 valet parking spaces on site in the existing lawn as depicted on the site plan. This provides for a total of 68 parking spaces. The parking requirements are 1 space for every 200 square feet of outdoor space for the requested outdoor activity. The proposed outdoor area has been reduced from 9,068 square feet to 6800 square feet, which reduces the number of required spaces from 45 to 34.

- 1.4** Due to parking concerns and the general work involved with a larger event, the applicant has proposed to lower the number of guests from 150 to 100. This is a requirement of her agreements with clients and is included as a stipulation of approval for the Special Use Permit.
- 1.5** To accommodate the off-site valet parking, the applicant has proposed a parking agreement with the Montessori school at 815 North Gilbert Road.
- 1.6** As part of the previous approvals, the applicant made significant improvements to the site in terms of landscaping. Perimeter landscaping exceeds or meets current Code requirements. If any of the landscaping that was previously approved has been removed, it will need to be replaced to comply with the number of plants identified in the previous chart.
- 1.7** The applicant completed a new Citizen Participation Plan as part of this request and at the time of this report, staff has only received one call from a neighbor across Gilbert Road on Fountain. That neighbor requested a copy of the "Good Neighbor Policy" submitted by the applicant, which was mailed to her in late December. Staff has not heard back from that neighbor with any concerns or questions.
- 1.8** With regard to the compatibility of the wedding reception use with surrounding areas, the applicant has established a "Good Neighbor Policy" and has gone to the neighbors to discuss any concerns they may have. Staff did hear from neighbors as part of the previous Special Use Permit request with some concerns about some activities on the site. Those neighbors were included in the notification area for this request and staff has not been contacted with any concerns, therefore it is assumed that there have not been any issues.
- 1.9** The site plan submitted, including staff recommended conditions of approval, along with the applicant's proposed "Good Neighbor Policy", will help ensure compatibility the neighborhood. Staff does not feel that the proposed use will be detrimental to adjacent properties in the area.

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Case No.: BA13-013

Location: 1840 South Val Vista Drive

Subject: Requesting a Special Use Permit to modify a Comprehensive Sign Plan in the LC BIZ-PAD zoning district. (PLN2012-0044)

Decision: Continued to the March 19th, 2013 hearing.

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

Motion: It was moved by Board member Swanson seconded by Board member Hitchens to continue case BA13-013 to the March 19th, 2013 hearing.

Vote: Passed 5-0

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- Case No.:** BA13-014
- Location:** 1445 West Southern Avenue
- Subject:** Requesting a Special Use Permit to allow the number of special events to exceed the maximum allowed in the LC zoning district. (PLN2013-00002)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis.
- Motion:** It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA13-014 with the following conditions:
1. *Compliance with the site plan submitted.*
 2. *Signage shall be contained to the boundaries of the Special Event area. Signage visible from outside the boundaries of the site shall not be displayed prior to nor after the dates of the Special Event (may include construction and break down days), as specified in the Special Event license.*
 3. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*
 4. *Compliance with all requirements of the Business Services Department regarding application for and issuance of a Special Event License.*
- Vote:** Passed 5-0

FINDINGS

- 1.1 This project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
- 1.2 The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
- 1.3 The approved project will not be injurious or detrimental to the adjacent or surrounding properties in the Fiesta Mall area, nor will the approved project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
- 1.4 Adequate public services, public facilities and public infrastructure are available to serve the approved project.

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- Case No.:** BA13-015
- Location:** 225 East Main Street
- Subject:** Requesting a Special Use Permit to establish a Comprehensive Sign Plan in the DC zoning district. (PLN2013-0009)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis.
- Motion:** It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA13-015 with the following conditions:
1. Compliance with the sign plan submitted, except as modified by the conditions listed below.
 2. The 30-foot x 5-foot banner is authorized on the site until September 15, 2013.
 3. Messages displayed on the electronic message panel shall remain static for a minimum of 15 seconds and transitions between messages shall comply with section 11-41-8 (D) 17.
 4. Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.
 5. Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.
- Vote:** Passed 5-0

FINDINGS

- 1.1** The approved comprehensive sign plan consists of (8) attached signs, with three (3) signs approved on the north elevation, 3 signs approved on the East elevation, 1 sign approved on the south elevation and 1 sign approved on the west elevation. The aggregate area of all of the approved attached signage is 541 square-feet.
- 1.2** One 12-foot high, 90 square foot marquee sign is approved on the southeast corner of Main Street and Hibbert and will serve as the only monument sign for the project.
- 1.3** Sign types A and D are the only attached signs that will be illuminated.
- 1.4** Sign types B and C are non-illuminated.
- 1.5** The aggregate attached sign area and the total number of attached signs exceeds the maximum permitted in the DC Zoning District which would only allow 3 signs with a maximum allowable area of 120 square-feet.
- 1.6** The sign area for the monument sign is approved at 90 square feet. The applicant was approved for one monument sign. The DC Zoning District would allow one monument sign per street frontage (this site has 3 street frontages) at a maximum of 32 square feet and 5-feet high.

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- 1.7** To meet the needs of the Arts Center, which is just down the street, numerous freestanding banners and a freestanding electronic message display sign have been authorized.
- 1.8** This location requires a unique application of signage criteria to meet the needs of the downtown businesses.
- 1.9** The approved CSP would not be detrimental to the surrounding properties or the area in general.

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- Case No.:** BA13-016
- Location:** 3530 East Southern Avenue
- Subject:** Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial building in the LC zoning district. (PLN2013-00011)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis.
- Motion:** It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA13-016 with the following conditions:
1. *Compliance with the site plan, landscape plan, and building elevations submitted, except as modified by the conditions listed below.*
 2. *Compliance with all requirements of Administrative Design Review.*
 3. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
- Vote:** Passed 5-0

FINDINGS

- 1.1 The applicant was approved to remodel an existing vacant building. The site was developed in the early 80's with setbacks, parking lot landscape requirements, and foundation base requirements that differ from those required by current Code.
- 1.2 The applicant was approved for deviations from current Code requirements related to setbacks around the perimeter of the site, foundation base, and within some parking areas. These reductions would allow the redevelopment of the building without requiring significant alterations to the site or demolition of the existing parking areas.
- 1.3 The applicant has provided sufficient evidence that compliance with current Code requirements would not be possible without significant alteration of the site, resulting in the demolition of the existing buildings and/or a significant reduction in on-site parking. To provide substantial conformance with current Code development standards, the applicant will provide landscape islands within the parking area in front of the building and landscape within the foundation base of the building. In addition, interior and exterior building improvements area also proposed.
- 1.4 The approved site improvements substantially conform to the intent of the Code and provide a development that is consistent with and not detrimental to adjacent properties.

**Board of Adjustment Meeting
February 12th, 2013**

- Case No.:** BA13-017
- Location:** 550 East Baseline Road
- Subject:** Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of an industrial building in the LI zoning district. (PLN2012-00572)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis.
- Motion:** It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA13-017 with the following conditions:
1. *Compliance with the site plan, landscape plan, and building elevations submitted, except as modified by the conditions listed below.*
 2. *Compliance with all requirements of Administrative Design Review.*
 3. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
- Vote:** Passed 5-0

FINDINGS

- 1.1 The applicant was approved for a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing nonconforming site. The request is to add an additional 8,400 square feet to the building for warehouse purposes.
- 1.2 Concerns relate to screening of existing roof mounted mechanical equipment, material type used on the addition, reduction in landscape setbacks, height of screen wall and barbed and razor wire. Each of these concerns was addressed with a condition of approval.
- 1.3 Given the current state of the building, the approved addition and improvements would be further beautifying the nonconforming site.
- 1.4 As justification of the SCIP, the applicant has noted: 1) full compliance with current Code development standards in relation to the proposed development would require the demolition and significant alteration of existing legal structures to allow required foundation base and landscape setbacks; and 2) the approved improvements will overall improve the condition of the site by adding additional landscaping, foundation base and screening of existing roof-mounted equipment.
- 1.5 In order to comply with current code, demolition or permanent alterations would have to be made to the current building.
- 1.6 The approved deviations are consistent with the approved variance in 1987 (staff report and site plan included in Board's packet).

**Board of Adjustment Meeting
February 12th, 2013**

1 Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator

Minutes written by Kaelee Wilson, Planning Assistant