

Board of Adjustment

Minutes

City Council Chambers, Lower Level May 8th, 2012

Board Members Present:

Nicholas Labadie, Vice-Chair
Danette Harris
Tyler Stradling
Greg Hitchens
Cameron Jones

Board Members Absent:

Garrett McCray, Chair- excused
Dianne von Borstel- excused

Staff Present:

Gordon Sheffield
Angelica Guevara
Jeff McVay
Kaelee Wilson

Others Present:

The study session began at 5:20 p.m. The Public Hearing meeting began at 5:43 p.m. Before adjournment at 6:38 p.m., the following items were considered and recorded.

Study Session began at 5:20 p.m.

A. Zoning Administrator's Report:

1. Updated the Board on a code amendment that will be heard by City Council. This amendment would authorize small recycling facilities within downtown zoning districts.
2. Mr. Sheffield updated the board on the status of the Form Based Code implementation. The Planning and Zoning Board recommended approval to City Council.

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

Public Hearing began at 5:43 p.m.

- A. Consider Minutes from the April 10th, 2012 Meeting a motion was made to approve the minutes by Board member Jones and seconded by Board member Hitchens. Vote: Passed 5-0-2 (von Borstel and McCray - absent)
- B. Consent Agenda a motion to approve the consent agenda as read was made by Board member Stradling and seconded by Board member Jones. Vote: Passed 5-0-2 (von Borstel and McCray - absent)

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Case No.: BA12-015

Location: 1524 East University Drive

Subject: 1524 East University Drive (District 4) – Requesting: 1) a Substantial Conformance Improvement Permit to allow the expansion of an existing restaurant; and 2) a Variance to allow a sign to exceed the maximum height allowed, both in the LC zoning district. (PLN2012-00094)

Decision: Approved with conditions

Summary: Steve Beck, the applicant and the representative for the owner, presented the case. He stated the owners want to transform the blighted property into a restaurant with outdoor seating. Mr. Beck stated the proposed improvements would benefit the surrounding neighborhood.

Mr. Beck had several concerns with the conditions put forth in staff's recommendation. His first concern was with condition number two that required a landscape yard addition on the north property line. The applicant's second concern was with condition number five that required additional trees and shrubs in a rectangular area between parking spaces at the northeast side of the site.

Mr. Beck also stated he wanted to increase the square footage of the outdoor seating area without adding additional parking spaces.

Conversation ensued between board members, staff and the applicant about the number of required parking spaces in relation to the amount of indoor and outdoor seating the restaurant is providing.

Angelica Guevara provided the staff report and recommendations.

At this time condition number five was amended to require eight shrubs and no trees.

Angelica Guevara stated staff did not support the additional outdoor seating the applicant proposed at the beginning of the hearing. The parking calculations provided in the staff report were based on the drawings provided by the applicant that were not to scale.

Conversation began concerning the four- foot wide landscape yard adjacent to the north property line.

Gordon Sheffield reiterated if staff had hard information to go with, it might be easier to make a decision about Mr. Beck's proposed outdoor seating square footage increase. He stated what Mr. Beck was proposing sounded enticing but staff did not want to make a recommendation on the fly.

Discussion began amongst the board members.

Board member Jones stated because of the existing citrus trees on the north property line, he saw no reason for the four- foot landscape yard. Board member Jones agreed with staff that no decision should be made on the fly concerning the increase in patio space.

Board member Harris agreed about the landscaping on the north property line. Ms. Harris wanted to see a detailed drawing of the proposed additional patio space with the landscaping before making a decision.

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Board member Stradling stated he was open to ideas about the patio expansion. However, he was not supportive of the deviation from the required four-foot landscape requirement on the north property line. He said the rules were set forth by code for a reason. The request made by staff was not unreasonable and should be feasible to the applicant.

Discussion began about the options the applicant had regarding this case. Mr. Beck was asked if he wanted a continuance in order to provide staff with a more detailed drawing of the additional patio space with landscaping or approval that night with the option for future modifications.

Mr. Beck did not want to continue the case due to time constraints.

Motion: It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-015 with the following conditions:

- 1. Compliance with the site plan submitted, except as modified by the conditions listed below.*
- 2. Provide a 4-foot wide landscape yard adjacent to the north property line containing a minimum of 16 shrubs and groundcovers a minimum of 5 gallon in size with a 6-inch continuous concrete curb on the south side of the landscape area adjacent to the north property line.*
- 3. Provide one tree and three shrubs in each landscape island.*
- 4. Provide one tree within the foundation base on the west of the building and one tree within the foundation base on the south side of the building.*
- 5. Provide eight shrubs in the rectangular area between parking spaces at the northeast corner of the site.*
- 6. Provide the required solid waste container and screen wall with gates to comply with Solid Waste Department requirements for accessibility and storage.*
- 7. Administrative Design Review of proposed changes to exterior elevations and building colors.*
- 8. No additional signage is authorized on the building.*
- 9. Compliance with all requirements of the Development Services Office with regard to the issuance of building permits.*
- 10. The applicant has the option to resubmit revisions for possible amendments to the decision.*

Vote: Passed 5-0-2 (von Borstel and McCray - absent)

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 consists of the conversion of approximately 350 square-feet of existing outdoor seating area into indoor restaurant seating space.
- 1.2** The existing site is approximately 0.27 acres with a 1,250 s.f. restaurant and 450 s.f. outdoor seating area. As proposed, the existing outdoor seating area will be enclosed and a new 650 s.f. outdoor seating area will be added.
- 1.3** The applicant also received approval of a Variance to allow an existing non-conforming sign to remain on the site. The freestanding sign is approximately 20 feet tall and consists of two panels totaling 84 s.f. in area.

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- 1.4 The requested SCIP would allow the following deviations: 1) reduced building setbacks at all property lines; 2) elimination of and reduced foundation base width at the front of the building; 3) reduction in the number of parking spaces provided; 4) reduced landscape yards; and 5) reduced parking lot landscape islands.
- 1.5 Given the limited space to accommodate setbacks and the existing condition of the site, the proposed improvements will provide a tremendous aesthetic improvement to the site, justifying the deviations.
- 1.6 As justification for the SCIP, the applicant has noted: 1) demolition of the building and existing parking areas would be necessary in order to provide a landscape setback along University and Hunt Dr.; 2) the provision of parking at the north and east property lines would also be precluded by perimeter landscape setbacks; 3) the applicant is attempting to significantly improve an existing vacant, dilapidated, blighted building, and eye sore of a site; and 4) compliance with current Code requirements would create new nonconformities, e.g., provision of landscape yards would result in on-site parking significantly below the minimum required.
- 1.7 The applicant has performed the required notification of the public hearing to all property owners within 500 feet of the site. To date no inquiries or opposition to this proposal has been received.
- 1.8 The sign was originally constructed in the 70's and has some charm and appeal. Since it is designed interestingly enough, staff is supporting the request which would allow the sign to remain on the site provided the applicant is agreeable to providing a four-foot wide landscape area adjacent to the north property line containing a minimum of 16 shrubs.
- 1.9 It should be noted that the adjacent parcel has a narrow landscape yard with trees and large river rock. The provision of a 4-foot landscape area just south of that would allow for the planting of shrubs and groundcovers, in addition to increasing the width of the overall landscape yard between parcels bringing the site to a closer degree of compliance with current standards.
- 1.10 Consistent with the requirements for review of a SCIP, full compliance with current Code development standards would require significant alteration to the existing development site, including demolition of the existing building, elimination of on-site parking, and the disruption of vehicular circulation. Minor modifications proposed by the applicant along with the recommended conditions of approval by staff improve the overall compliance with current development standards. These improvements include the removal of an existing problematic drive-thru window, the provision of two parking lot landscape islands, the provision of landscape along the north property line, the provision of ADA accessible parking, and the exterior remodel of the building.

Case No.: BA12-016

Location: 51 East Main Street

Subject: 51 East Main Street (District 4) – Requesting a Special Use Permit for a Comprehensive Sign Plan in the DC zoning district. (PLN2012-00142)

Decision: Continued to the June 12th, 2012 meeting

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

Motion: It was moved by Board member Stradling seconded by Board member Jones to continue case BA12-016 to the June 12th, 2012 meeting.

Vote: Passed 5-0-2 (von Borstel and McCray - absent)

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Case No.: BA12-017

Location: 101 North 38th Street

Subject: 101 North 38th Street (District 2) – Requesting a Variance to allow a fence to exceed the maximum height allowed in the side yard in the RM-4 zoning district. (PLN2012-00130)

Decision: Continued to the June 12th, 2012 meeting

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

Motion: It was moved by Board member Stradling seconded by Board member Jones to continue case BA12-017 to the June 12th, 2012 meeting.

Vote: Passed 5-0-2 (von Borstel and McCray - absent)

Case No.: BA12-018

Location: 922 North Gilbert Road

Subject: 922 North Gilbert Road (District 1) – Requesting: 1) a Special Use Permit to allow outdoor activities; and 2) a Special Use Permit to allow off-site parking, both to allow a reception center in the OC zoning district. (PLN2012-00134)

Decision: Continued to the June 12th, 2012 meeting

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

Motion: It was moved by Board member Stradling seconded by Board member Jones to continue case BA12-018 to the June 12th, 2012 meeting.

Vote: Passed 5-0-2 (von Borstel and McCray - absent)

Case No.: BA12-019

Location: 1648 East Main Street

Subject: 1648 East Main Street (District 4) – Requesting a Development Incentive Permit to allow the

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redevelopment of a vehicle sales lot in the GC zoning district. (PLN2012-00143)

Decision: Continued to the June 12th, 2012 meeting

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

Motion: It was moved by Board member Stradling seconded by Board member Jones to continue case BA12-019 to the June 12th, 2012 meeting.

Vote: Passed 5-0-2 (von Borstel and McCray - absent)

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1. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Kaelee Wilson, Planning Assistant

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