

# Board of Adjustment Minutes



City Council Chambers, Lower Level  
March 9, 2004

**Board members Present:**

Jared Langkilde, Chair  
Mike Clement  
Webb Crocket  
Greg Lambright  
David Shuff

**Board members Absent:**

Roxanne Pierson, Vice Chair (excused)  
Dianne von Borstel (excused)

**Staff Present:**

John Gendron  
Gordon Sheffield  
Krissa Hargis  
Jim Smith  
Gabe Medina

**Others Present:**

Chumitta Hurd  
David Jones  
Charlie Scully  
Others

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 5:47 p.m., the following items were considered and recorded on Board of Adjustment Tape # 300.

**Study Session 4:30 p.m.**

- A. The study session began at 4:30 p.m. The items scheduled for the Board's Public Hearing were discussed.

**Public Hearing 5:30 p.m.**

- A. Consider Minutes from the February 10, 2004 Meeting  
It was moved by Boardmember Clement and seconded by Boardmember Lambright, that the minutes of the February 10, 2004 Board of Adjustment meeting be approved. **Vote:** Passed 5-0
- B. Consider modifications of the Board of Adjustment By-Laws  
Jim Smith read the requested modifications of the Board of Adjustment By-Laws (as attached). It was moved by Boardmember Crockett and seconded by Boardmember Shuff, that the By-Laws be approved, subject to the modifications as attached. **Vote:** Passed 5-0.
- C. Consent Agenda  
Approval of the Consent Agenda, with the conditions noted in the staff reports, was moved by Boardmember Crockett, seconded by Boardmember Shuff. **Vote:** Passed 5-0

**Board of Adjustment Meeting  
March 9, 2004**

**Case No.:** BA03-059

**Location:** 1149 East Southern Avenue

**Subject:** Requesting a Special Use Permit to allow an electronic variable message sign to display a repeated message for a period of less than one hour.

**Decision:** Continued to the May 11, 2004 meeting.

**Summary:** The applicant requested this case be continued to the May 11, 2004 meeting. This case was added to the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Mr. Crockett, and seconded by Mr. Shuff that this case be continued to the May 11, 2004 meeting

**Vote:** Passed 5-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
March 9, 2004**

**Case No.:** BA04-001

**Location:** 9925 East Baseline Road

**Subject:** Requesting a Special Use Permit for a comprehensive sign plan for a group commercial center in the C-2 district.

**Decision:** Approved with conditions.

**Summary:** Boardmember Crockett declared a conflict of interest and abstained from any discussion regarding this case. This case was removed from the consent agenda. Ms. Chumitta Hurd, applicant, requested clarification regarding the number of votes to act on a case. Chairman Langkilde explained the requirement of four votes to affirm a decision.

**Motion:** It was moved by Mr. Shuff, seconded by Mr. Clement that this case be approved, conditioned upon the following:

1. Compliance with revised comprehensive sign plan submitted, entitled "Augusta Ranch Marketplace Sign Package", and dated October 31, 2003;
2. Attached signs for the primary anchor tenant (identified as Bashas' in the sign plan) shall be limited to four signs, totaling 275 sqft, as depicted on sheet A1-02 of the sign plan; and
3. Review and approval by the Building Safety Division for all required sign permits.

**Vote:** Passed 4-0-1 (Crockett abstaining)

**Finding of Fact:**

- 1.1 The case site is located at the southwest corner of Baseline and Crismon Roads, adjacent to a flood control diversion channel that runs adjacent to Crismon Road. The diversion channel is located within an easement that prevents the applicant from placing any structures within the channel. The easement restricts three quarters of the Crismon Road street front from being used as a location for detached signs. The Baseline Road frontage is not restricted in any manner with regard to the placement of detached signs.
- 1.2 The applicant has proposed to increase the sign attached area and the number of attached signs for the Bashas' store to amounts that both exceed the maximums typically permitted by the sign ordinance. To approve this proposal, the Board made a finding that unique conditions exist to justify the extra amounts being requested. The conditions are related to the design of the sign program and conditions related to the site.
- 1.3 The design of the detached signs makes use of materials, colors and design motifs that reflect details of the project architecture. The total number, total height and total area of the detached signs is significantly less than the maximums permitted by the Sign Ordinance. The minimal use of detached signs offsets the use of larger than standard attached signs for the primary anchor tenant.

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- 1.4 Unique conditions are present in the form of the sign plan's overall quality and design, and in the presence of the flood control diversion channel that restricts the normal use of detached signs along Crismon Road.

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**Case No.:** BA04-009

**Location:** 5901 East McKellips Road

**Subject:** Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the C-2 district.

**Decision:** Continued to the April 13, 2004 meeting.

**Summary:** The applicant requested an additional continuance for 30 days. The requested continuance was on the Consent Agenda, and was not heard individually.

**Motion:** It was moved by Mr. Crockett, seconded by Mr. Shuff, that this case be continued to the April 13, 2004 meeting.

**Vote:** 5-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
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**Case No.:** BA04-011

**Location:** 2245 North Center Street

**Subject:** Requesting a Special Use Permit to allow a recreational vehicle to be used as a night watchman's quarters in the R1-43 district.

**Decision:** Continued to the April 13, 2004 meeting.

**Summary:** Staff requested this case be continued to the April 13, 2004 meeting because the applicant has not sent appropriate notice of the public hearing in accordance with the required citizen participation plan requirements. The requested continuance was on the Consent Agenda, and was not heard individually.

**Motion:** It was moved by Mr. Crockett, seconded by Mr. Shuff, that this case be continued to the April 13, 2004 meeting.

**Vote:** Passed 5-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
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**Case No.:** BA04-012

**Location:** 1822 South Val Vista Drive

**Subject:** Requesting a Special Use Permit to allow a modification of a Comprehensive Sign Plan in the C-2-BIZ district.

**Decision:** Approved with conditions.

**Summary:** This case was removed from the consent agenda. Boardmember Clement declared a conflict of interest.

**Motion:** It was moved by Mr. Crockett, seconded by Mr. Lambright, that this case be approved, conditioned upon the following:

- 1) Compliance with the comprehensive sign plan as submitted, except as modified by the conditions listed below;
- 2) Detached Sign Type C shall be deleted.
- 3) Pad sites located in both Phase One and Phase Two shall be permitted to place attached signs on four sides of the building. Total attached sign area is not to exceed the standard Sign Ordinance maximum for that building.

**Vote:** 4-0-1 (Clement abstaining)

**Finding of Fact:**

- 1.1 The Board previously approved a comprehensive sign plan for this site (case BA00-33). This initial plan is limited to Phase One development, and was conditioned upon a new submittal to govern Phase Two development.
- 1.2 Phase Two development includes two anchor tenant spaces, both of which are requesting attached sign areas that exceed the maximum typically permitted in the C-2 district. These two anchor buildings are setback from Val Vista Drive by approximately 750 feet. Several pad sites along the street further reduce the visibility of these buildings from the street.
- 1.3 The design of both detached Sign Type A and Type B make significant use of architectural features that relate the design of the signs to the overall architecture of the project.
- 1.4 Both Phase One and Phase Two pad sites may utilize attached signs on four sides of the building. The previous sign plan provided this as an option, in lieu of utilizing a separate detached ground sign. No pad site developed to date has chosen to use the detached sign, and the applicant has asked that Type C signs be eliminated as an option. This proposal will further reduce sign clutter along both Val Vista Drive and Baseline Road.
- 1.5 The request is justified under criteria A and C of Section 11-19-8(D)13. Unique conditions exist because of the scale of the project (almost 55 acres), the large setbacks of Phase Two Buildings from Val Vista Drive, and the unique design of the proposed signs.

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**Case No.:** BA04-013

**Location:** 1950 North Recker Road

**Subject:** Requesting a variance to allow parking spaces to encroach into the required landscaping areas adjacent to public streets in the C-2-DMP district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda, and was not heard on an individual basis. This case involved the development of a new bank building on a pad site at the existing shopping center at the southwest corner of the Recker and McKellips Roads.

**Motion:** It was moved by Mr. Shuff, seconded by Mr. Clement that this case be approved, conditioned upon the following:

1. Compliance with site plan entitled "M&I Bank", dated January 4, 2004, except as modified by the conditions listed below;
2. Compliance with all requirements for foundation base separations between the parking and circulation areas and the building foundations along all four sides of the building;
3. Replacement of six parking stalls with landscape islands of a minimum of 8' wide. Two of the six shall replace the eastern most parking stall adjacent to McKellips Road, and the northernmost parking stall adjacent to Recker Road. The remaining four replacement landscape islands shall be placed, two adjacent to each street front, at a ratio of roughly one island for each five stalls along Recker Road, and one island for each four parking stalls along McKellips Road. One of the landscape islands along Recker Road shall be placed adjacent to the indicated pedestrian access route. Each landscape island shall include a minimum of one tree and three shrubs;
4. Supplemental plants shall be added to the street-side landscape areas to reach a landscaping ratio of one tree and three shrubs per 25' of lineal street front adjacent to both Recker and McKellips Roads;
5. Compliance with all requirements of the Design Review Board; and
6. All requirements of the Building Safety Division with regard to the issuance of building permit.

**Vote:** Passed 5-0

**Finding of Fact:**

- 1.1 The request involves the development of a corner pad site within a group commercial center that was first built in 1987. Significant improvements were installed along both street fronts at the time the surrounding center was constructed, including street widening and perimeter landscaping.
- 1.2 The case site is considered a "non-conforming site" because the adoption of revised development standards requires wider perimeter landscape areas than are present at this center. Section 11-1-3 requires full conformance with the present requirements when new development takes place.
- 1.3 The existing center also includes parking spaces and circulation aisles that are intended be part of the reciprocal parking and circulation of the center. Realigning parking spaces and circulation aisles on the case site would deny access to some of these "off-site parking spaces", or require the realignment of circulation aisles that are outside of the control of this owner.

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- 1.4 The use of more frequent landscape islands within the parking lot can extend the intended street side landscape areas into the circulation and parking areas without requiring major realignment of the spaces and aisles for the adjacent parts of the retail center. The recommended ratios are designed to offset the degree of encroachment along that particular street front. The one island to four spaces ratio along McKellips offsets a 27' encroachment into that required landscape area, and the one island to five parking spaces along Recker is intended to offset a 15' encroachment into that landscape area.

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**Board of Adjustment Meeting  
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**Case No.:** BA04-014

**Location:** 1244 North Greenfield Road

**Subject:** Requesting a variance to allow an office building to encroach into the required front yard setback in the O-S-PAD district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda, and was not heard on an individual basis. This case involves the development of a medical office building.

**Motion:** It was moved by Mr. Shuff, seconded by Mr. Clement that this case be approved, conditioned upon the following:

1. Compliance with the site plan as submitted, except as modified by the conditions listed below;
2. Compliance with all requirements of the Design Review Board; and
3. Review and approval of a building permit.

**Vote:** Passed 5-0

**Finding of Fact:**

- 1.1 This case site has been planned as an office use since the early 1980's. Since the time the office use was planned, the surrounding property to the north and west has developed as a single residence subdivision. At the time this subdivision was built, the right-of-way standard was only a 55' half street for major arterials. Today, this parcel would be required to plan for a 75' half street. With the present 30' setback added, the buildings would be setback 50' from the north-south wall alignment of the wall for the subdivision to the north. This wall placement screens any encroachments from the view of southbound travelers on the street.
- 1.2 The encroachment proposed would be limited to 10' for a small portion of the building. The north-south length of the building is approximately 117'. Only the northernmost 50' would encroach, as the remaining southern portion of the building would be pulled back to meet the setback.
- 1.3 All other requirements for setbacks, parking, landscaping and foundation base would be met.

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Respectfully submitted,

Gordon Sheffield, AICP  
Senior Planner

Minutes written by Krissa Hargis, Planning Assistant

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