

Board of Adjustment

Minutes

City Council Chambers, Lower Level
June 1, 2016

Board Members Present:

Trent Montague, Vice Chair
Wade Swanson
Tony Siebers
Steve Curran
Ken Rembold
Jessica Sarkissian

Board Members Absent:

None

Staff Present:

Gordon Sheffield
Lisa Davis
Kaelee Wilson
Charlotte McDermott
Rebecca Gorton

Others Present:

Richard Dyer
Others

The study session began at 4:31 p.m. and concluded at 5:17 p.m. The Public Hearing began at 5:39 p.m. Before adjournment at 6:12 p.m., the following items were considered and recorded.

Study Session began at 4:31 p.m.

- A. Zoning Administrator's Report
None.
- B. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:17 p.m.

Public Hearing began at 5:39 p.m.

- A. Consider Minutes from the May 4, 2016 Meeting: A motion was made by Boardmember Swanson and seconded by Boardmember Rembold to approve the minutes as written.
Vote: Passed 6-0
- B. Consent Agenda: A motion to approve the consent agenda as read with the acceptance of Facts of Findings and Conditions of Approval as recommended in the Staff Report was made by Boardmember Rembold and seconded by Boardmember Siebers.
Vote: Passed 6-0

Public Hearing adjourned at 6:12 p.m.

Case No.: BA16-020 APPROVED WITH CONDITIONS

Location: 128 N. Macdonald (District 4)

Subject: Requesting a Variance to allow a detached building to exceed 50% of the roof area of the primary dwelling in the DR-2 HD zoning district (PLN2016-00261)

Decision: Approved with Conditions

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

Motion: A motion to approve with the acceptance of Facts of Findings and Conditions of Approval as recommended in the Staff Report was made by Boardmember Siebers and seconded by Boardmember Swanson to approve with the following conditions:

1. Compliance with all documents submitted, except as modified by the conditions below;
2. The landscape area to the west of the new masonry wall screening the west-facing service bays shall be enlarged to six feet in width, measured from the outside west face of the wall.
3. All new landscape material shall be consistent with the existing, established landscape palette.
4. All new landscape islands in the parking lot shall be a minimum of eight feet wide.
5. Two 24" box size trees shall be placed in the foundation base landscape area to the west of the new screen wall.
6. An Administrative Design Review application shall be submitted and approved for the addition of the screen wall and modifications to the building.
7. All mechanical work must be done indoors with the exception of the wash pad.
8. Under no circumstance shall anything be stored overnight in the secured staging area.
9. All motorized vehicles, parts and equipment shall be brought indoors every night.
10. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Vote: Passed (6-0)

The Board's decision is based upon the following Findings of Fact:

FINDINGS FOR SCIP

1. The request is to add a secured, walled staging area in an existing landscape area to the west of an existing motorsport dealership.
2. The building was constructed in the 1990's; thus does not meet current development standards.
3. Currently the property does not conform with parking lot landscaping, foundation base, and setbacks adjacent to Southern Avenue.
4. The applicant is proposing to add additional landscape islands in the parking lot and additional landscaping on the property to meet the intent of the current development standards.

5. Full compliance with Code would require drastic modifications to the building, parking and parking lot circulation.
6. The proposed improvements will enhance the building and will be compatible and not detrimental to the adjacent properties.

Case No.: BA16-021 APPROVED WITH CONDITIONS

Location: 1930 S. Pennington (District 3)

Subject: Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the maximum height permitted in the LC-PAD zoning district. (PLN2016-00266)

Decision: Approved with Conditions

Summary: The applicant, Melissa Parker, representing Jacob's Engineering for Verizon Wireless presented a review of the request to construct a communication facility. Ms. Parker stated the area has had a large number of dropped calls due to an increase in development in the area. The addition of the tower will assist in coverage for the community as well as for emergency purposes.

Aleksandra Gruzinska, 1929 W. Javelina Ave., had several questions for the Board. Ms. Gruzinska stated she is neither opposed or in support of the facility, however she does have concerns. The first concern is the noise that the tower would emit and asked if the noise would be heard from her home. Her other concerns included the vibration produced from the tower and how unsightly it will be.

Zoning Administrator Gordon Sheffield stated as a resident of Dobson Ranch and, architectural review board member, the Board covenants and restrictions do not extend to commercial properties. With Federal requirements associated with wireless communications, the Dobson Ranch HOA board has chosen not to comment on wireless facilities.

Staff member Kaelee Wilson responded to the concern of the location of the tower. Ms. Wilson explained that Mr. Gruzinskas' home will be 285' away from the tower and the height is as tall as a palm tree.

Ms. Parker stated that vibration is equivalent to the noise that a small generator makes and will not come on all of the time. The type of generator used is a low capacity noise generator and tested weekly. She continued that Ms. Gruzinska should not be able to hear the generator from where she lives and would need to be at the facility to hear it. She addressed the concern of the purpose of the location and Ms. Parker stated that Verizon has had lost calls and this is to cover the capacity level and if there is any emergency a cell phone coverage to deliver the signal to the tower.

Motion: A motion to approve Case BA16-021 with the acceptance of Facts of Findings and Conditions Approval as recommended in the Staff Report was made by Boardmember Rembold and seconded by Boardmember Siebers with the following conditions:

1. *Compliance with the site plans dated May 10, 2016, except as modified by the following conditions:*
2. *The wireless communication facility shall utilize a monopalm design with a maximum height of fifty-five (55') to the top of the fronds and fifty feet (50') to the top of the antenna array.*
3. *The lease area containing the equipment shelter and generator shall be screened by a 10' tall masonry wall that is finished with stucco and painted to match the self-storage facility with a solid metal gate painted to be compatible with the color of the wall.*
4. *The wireless communication facility shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Of the 65 palm fronds used, 20% of the fronds must be 96", 40% of the fronds must be 108", and 40% of the fronds must be 120".*
5. *The operator of the WCF shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
6. *The antenna array stand-off shall not exceed 3' maximum from the pole.*
7. *The antenna array for each sector shall not exceed an overall length of 9'.*
8. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
9. *Provide and maintain two natural living palm tree (minimum 35' high) within the landscape area along Pennington to help camouflage the proposed wireless communication facility.*
10. *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.*
11. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.1.*
12. *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.*
13. *The dead and missing landscaping adjacent to South Pennington shall be replaced with sufficient numbers and quantities of plants so as to conform to the standard plant ratio of the landscape ordinance in place in 1978, which is approximately the date of the development of the mini-storage facility. That plant ratio is 1 tree and 3 shrubs every 30 feet of street frontage adjacent to South Pennington.*
14. *Antenna socks shall be added to the antenna to assist in screening.*
15. *All signs shall comply with Sign Ordinance requirements.*
16. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed (6-0)

The Board's decision is based upon the following Findings of Fact:

1. The proposed location is a commercially zoned site that is a self-storage facility.
2. The proposed WCF is designed principally to address issues related to signal capacity.
3. The proposed equipment enclosure will appear as a building addition and will not be readily recognizable.
4. The improvements will be compatible and not detrimental to the surrounding neighborhood.
5. No additional landscaping is being proposed around the base of the specific WCF enclosure. However, none is needed because of the nature of the internal design of the warehouse facility. There are required landscape plants just outside of the warehouse facility, along Pennington, which are in need of replacement.

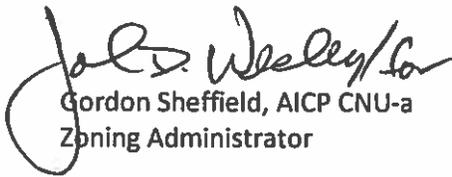
OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,


Gordon Sheffield, AICP CNU-a
Zoning Administrator