

Board of Adjustment

Minutes

City Council Chambers

February 6, 2019

Boardmembers Present:

Wade Swanson-Chair
Chris Jones- Vice-Chair
Trent Montague
Ken Rembold
Steve Curran
Kathy Tolman
Adam Gunderson

Board Members Absent:

None

Staff Present:

Nana Appiah
Lisa Davis
Charlotte Bridges
Veronica Gonzalez
Margaret Robertson
Mike Gildenstern
Cassidy Welch

Others Present:

Keith Green
John Manross
Jeff Welker
Tom Barker
(Others Present)

The study session began at 4:30 p.m. and concluded at 5:00 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:38 p.m., the following items were considered and recorded.

Board of Adjustment Study Session

1. Call meeting to order

Study Session began at 4:30 p.m.

2. Zoning Administrator's Report

2-a. Zoning Administrator Appiah informed the Board that a future Study Session will be set to discuss Board of Adjustment criteria for case review and the format of staff reports.

3. Review and discuss items listed on the Public Hearing agenda for February 6, 2019.

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

Finding #1 for Findings for SCIP, in the Staff Report **Item 3-d**, Case BOA18-00954 (Within the 500 block of South Drew Street (east and west sides)) was modified from 1950's to 1970's.

4. Adjournment

Study Session adjourned at 5:00 p.m.

Board of Adjustment Public Hearing

Call meeting to order

Public Hearing began at 5:30 p.m.

1. Take action on all consent agenda items.

Items on the Consent Agenda

2. Consider the Minutes from the January 2, 2019 meeting

On a motion by Boardmember Rembold and seconded by Boardmember Montague, the Board unanimously approved the January 2, 2019 minutes and Consent Agenda as read by Vice-Chair Jones.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

3. Take action on the following cases:

A motion to approve the following cases on the consent agenda as read by Vice-Chair Jones was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

***3-a Case No.: BOA18-00913 APPROVED WITH CONDITIONS**

Location: 1330 South Crismon Road (District 6)

Subject: *Requesting in the Single Residence (RS-43)-PAD District.: 1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards; and 2) a Special Use Permit (SUP) to allow athletic facilities in conjunction with a place of worship.*

Decision: Approved with Conditions

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

Motion: A motion to approve case BOA18-00913 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague to approve with the following conditions:

1. Compliance with all City development codes and regulations.
2. Compliance with all requirements of the Development Services Department in the issuance of building permits.
3. Compliance with the site plan and operation plan as submitted, except as modified by the conditions below.
4. Per MZO 11-32-2.C.5, approval of an exception to the maximum 15' height allowance for lighting fixtures by the Zoning Administrator for the proposed 60' tall sports field lighting fixtures.
5. Per MZO 11-30-5.C.2, approval of an Administrative Use Permit to allow more surface parking than the maximum standard of 125% of the required number of parking spaces.
6. Prior to issuance of a building permit, revise the landscape plan to provide a minimum of 26 trees and 159 shrubs along the western 660' portion of Hampton Avenue to comply with MZO Table 11-33-3.A.4 and MZO 11-33-3.A.6 for minimum size of plant material.
7. Prior to issuance of a building permit, revise the site plan to include an alternative paving material for pedestrian crosswalks such as stamped concrete, decorative concrete pavers, or similar materials.
8. Replace any dead or missing landscape material in existing parking and circulation areas and in landscape areas adjacent to Crismon Road and Hampton Avenue per previously approved plans, BA04-037.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

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

SCIP FINDINGS:

- A. The church site was originally developed in 2002
- B. The request for a SCIP would allow for the expansion of an existing church site and facilities.
- C. The proposed new improvements, including upgrade of parking lot, additional landscape material, and sports fields, with the recommended conditions of approval help bring the site into a greatest degree of conformance with current standards.
- D. Full compliance with current code would require removal or relocation of existing improvements.
- E. All new improvements to the site will meet development standards and do not create a new non-conformity.
- F. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- G. The modifications requested along with the conditions of approval are consistent with the degree of change requested to allow improvements to the site.

SUP FINDINGS:

- A. The proposed athletic fields for the existing place of worship is consistent with the policies of the General and plan and will advance the goals and objectives.
- B. 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. The applicant's justification/compatibility statement indicate that the hours of operation for the soccer fields are Monday through Friday until 9:00 p.m. and on Saturday mornings. The soccer fields will not be used on Saturday evenings or on Sundays.
- C. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area. The proposed athletic fields are consistent with the surrounding uses. The applicant's justification/compatibility statement includes a Plan of Operation & Good Neighbor Policy. An existing 6' high CMU wall and 30 ft. landscape buffer along the west property line and a proposed 6' tall cmu wall and 25' wide landscape buffer separates the proposed soccer fields from the adjacent properties.
- D. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

***3-b Case No.: BOA18-00916 CONTINUED TO MARCH 6, 2019**

Location: 733 North Longmore (District 3)

Subject: *Requesting in the Single Residence (RS-6) District: 1) a Special Use Permit (SUP) to allow a wireless communications facility in a residential district; and 2) a Special Use Permit (SUP) to allow a wireless communications facility to exceed the maximum height allowed.*

Decision: Continued to March 6, 2019

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

Motion: A motion to continue case BOA18-00916 as read by Vice-Chair Jones, was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

***3-c Case No.: BOA18-00950 CONTINUED TO APRIL 3, 2019**

Location: 1928 South Gilbert Road (District 3)

Subject: *Requesting in the Limited Commercial (LC) District: 1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards; and 2) a Special Use Permit (SUP) to allow an animal kennel; and 3) a Special Use Permit (SUP) to allow a small animal day care.*

Decision: Continued to April 3, 2019

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

Motion: A motion to continue case BOA18-00950 as read by Vice-Chair Jones, was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

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***3-e Case No.: BOA18-00989 CONTINUED TO MARCH 6, 2019**

Location: 1951 & 1955 West Baseline Road; and 2051 South Dobson Road (District 3)

Subject: *Requesting a Special Use Permit (SUP) to allow modifications to an existing Comprehensive Sign Plan (CSP) in the Limited Commercial (LC)-PAD District.*

Decision: Continued to March 6, 2019

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

Motion: A motion to continue case BOA18-00989 as read by Vice-Chair Jones, was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

***3-f Case No.: BOA18-00993 APPROVED WITH CONDITIONS**

Location: 2850 East Main Street (District 2)

Subject: *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the Limited Commercial (LC) District.*

Decision: Approved with Conditions

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

Motion: A motion to approve case BOA18-00993 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague to approve with the following conditions:

1. Compliance with the site plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of the Development Services Division regarding the issuance of building permits.
3. Prior to the issuance of a building permit, the site plan shall be revised to include the pedestrian pathway termination points integrated into adjacent landscape islands as shown on sheet La.01 of the landscape plan.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

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

FINDINGS:

- A. The site is zoned LC and is part of an existing retail center.
- B. Proposed improvements to the site include increased foundation base at the south elevation of the building, installation of landscape islands within the parking field installation of new landscape material, and an update to the building facade. The proposed improvements will not create any new non-conformities.
- C. Full compliance with current development standards would require demolition of existing improvements including removal of parking and circulation.
- D. The modifications requested constitute the greatest degree of compliance with the MZO.
- E. The proposed improvements will result in a development that is not detrimental to the adjacent properties or neighborhood.

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***3-g** **Case No.: BOA18-00994 CONTINUED TO APRIL 3, 2019**

Location: 1730 West Guadalupe Road (District 4)

Subject: *Requesting a Development Incentive Permit (DIP) to allow modifications to development standards in the General Industrial (GI) District.*

Decision: Continued to April 3, 2019

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

Motion: A motion to continue case BOA18-00994 as read by Vice-Chair Jones, was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

***3-h Case No.: BOA19-00001 APPROVED WITH CONDITIONS**

Location: 2937 East Main Street (District 2)

Subject: *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the General Commercial (GC) District.*

Decision: Approved with Conditions

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

Motion: A motion to approve case BOA19-00001 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague to approve with the following conditions:

1. Compliance with the site plan and landscape plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of the Development Services Division regarding issuance of building permits.
3. Compliance with the conditions of case ZON18-00861

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

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

FINDINGS:

- A. The site was developed in the late 1990's.
- B. At the time of initial development, the setbacks, foundation base, and landscape requirements of the Zoning Code varied from the development standards of the current Code.
- C. Proposed improvements to the site include installation of landscape material within the existing landscape setback adjacent to Main Street, replacement of landscaping in the parking and additional landscaping at the building, and increased landscaping at the rear. The proposed improvements will not create any new non-conformities.
- D. Full compliance with current code would require removal of the existing parking spaces which would impact parking requirements and potentially site circulation.
- E. The modifications requested and the proposed improvements along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a greater degree of conformance with current standards.
- F. The 15,000 SF addition does not create new non-conforming conditions.
- G. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

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A motion to approve the following cases on the consent agenda as read by Vice-Chair Jones with the modifications to the findings as discussed by Staff at study session was made by Vice-Chair Jones and seconded by Boardmember Rembold.

3-d Case No.: BOA18-00954 APPROVED WITH CONDITIONS

Location: Within the 500 block of South Drew Street (east and west sides) (District 4)

Subject: *Requesting in the General Industrial (GI) District: 1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards; and 2) a Special Use Permit (SUP) to allow for the reduction in required parking; and 3) a Special Use Permit (SUP) to allow for off-site parking.*

Decision: Approved with Conditions

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

Motion: A motion to approve case BOA18-00954 with the acceptance of modified Findings of Fact and Conditions of Approval, was made by Vice-Chair Jones and seconded by Boardmember Rembold to approve with the following conditions:

1. Compliance with the site plan submitted, except as modified by the conditions below.
2. Compliance with all requirements of the Development Services Department regarding issuance of building permits.
3. Compliance with the conditions of case ZON18-00847.
4. Prior to submittal of a building permit, a copy of a recorded Off-site parking agreement among the property owners of 525, 536, and 539 S Drew Street and must be filed with the Zoning Administrator in compliance with MZO Section 11-32-7.C.

Vote: 6-0-1 (Recused: Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

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

FINDINGS for SCIP:

- A. The existing structures were constructed in the 1970's. At the time of initial development, the setbacks, foundation base, and landscape requirements of the Zoning Code varied from the development standards of the current Code.
- B. This request for a SCIP would allow for expansion of an existing industrial use.
- C. Full compliance with current code would require removal of the existing building and would impact site circulation.
- D. The modifications requested and the proposed improvements including an 8' high decorative CMU wall along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a greater degree of conformance with current standards.
- E. The proposed new 15,000 SF addition meets required development standards and does not create a new non-conformity.
- F. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

FINDINGS for SUP:

- A. The proposed addition will help alleviate on-street parking by relocating the current on-street loading and unloading of commercial vehicles to and onto the subject site.
- B. The required parking exceeds the needs of the existing business as no sales are located on-site and the number of employees that serve the site is limited.
- C. The proposed off-site parking is located within the immediate vicinity of the subject site.

Items not on the Consent Agenda

4. **Take action on the following cases:**

5. **Other business**

None.

6. **Items from citizens present**

None.

7. **Adjournment**

A motion to adjourn was made by Boardmember Tolman and seconded by Boardmember Rembold.

Vote: 7-0

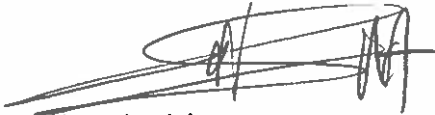
Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

Public Hearing adjourned at 5:38 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nana Appiah', with a horizontal line drawn through it.

Nana Appiah,
Zoning Administrator