



## Village Planning Committee Meeting Summary

### PHO-2-19—Z-51-01-2

**Date of VPC Meeting** August 5, 2019

**Planning Hearing Officer** August 21, 2019

**Hearing Date**

**Request**

1. Modification of Stipulation No. 1 regarding specific conformance to the site plan dated March 26, 2001.
2. Modification of Stipulation No. 2 regarding signage.
3. Deletion of Stipulation No. 3 regarding maximum height of storage.
4. Deletion of Stipulation No. 6 regarding landscaping on the existing C-3 parcel to the east.
5. Modification of Stipulation No. 7 regarding a decorative masonry screen wall along the north property line.
6. Modification of Stipulation No. 8 regarding a decorative masonry screen wall along the south and west setback lines.
7. Deletion of Stipulation No. 9 regarding a painted line denoting the zoning district boundary.
8. Deletion of Stipulation No. 10 regarding a 20-foot radius at the northeast corner of 31st Street and Aire Libre Lane.
9. Deletion of Stipulation No. 14 regarding combining the lots.
10. Technical correction to Stipulation No. 12.

**Location**

Northeast corner of 31st Street and Aire Libre Lane

**VPC Recommendation**

Approval with modifications to Stipulation Nos. 1 and 2 and two additional stipulations

**VPC Vote**

15-0

## **VPC DISCUSSION & RECOMMENDATION:**

**Mr. David Simmons**, PDD staff, provided an overview of the original zoning case and went through the list of existing stipulations. Mr. Simmons also discussed the prior site plan that was proposed for the site and compared the new site plan that is proposed for the site.

**Mr. Jason Allen** with Skyline Consultants, representing the applicant, elaborated on the project scope and history of the site. Mr. Allen explained that the stipulations approved through the previous proposal are no longer relevant. He went through all changes proposed to the site and explained why they are requesting each change in an enumerated list.

*Mr. Eric Cashman arrived at 6:14 bringing the quorum to 15.*

**Chairwoman Jennifer Hall** asked If the sign discussed in the stipulation was going to be illuminated.

**Mr. Allen** shared with the committee than he does not know if the sign is to be illuminated as he has not had that conversation with the property owner.

**Chairwoman Hall** asked if the applicant has secured an operator for the site and if so, what their hours of operation will be.

**Mr. Allen** stated that the hours of operation will most likely be limited to 8:00 am to 6:00 pm.

**Mr. Joe Leshner** suggested that Stipulation No. 3 could read, “outside storage” rather than deleting the stipulation all together. He also stated that walls should be built to match existing.

**Mr. Allen** stated that exiting walls and new walls will match.

**Mr. Matthew Avrhami** asked Mr. Allen what eth zoning on the site was prior to the C-3 designation.

**Mr. Allen** shared that the site as zoned R-3 prior to the rezoning case.

**Mr. Avrhami** asked if the C-3 zoning on the site vested subject to the stipulations associated with the C-3 zoning case.

**Mr. Allen** shared that the C-3 did vest on the site.

**Mr. Avrhami** asked Mr. Allen why the applicant was requesting changes to the stipulations.

**Mr. Allen** stated that this is a new request for a new use and that many of the existing stipulations previously approved through the prior case were no longer relevant to the new proposed use on the site.

**Ms. Toby Gerst** asked if the committee could potentially add an additional stipulation limiting the hours of operation for the sign in the event it is illuminated.

**Mr. David Simmons** shared that the committee could propose a stipulation limiting sign illumination.

**Ms. Gerst** asked if there were any homes on the adjacent side of the street where the sign will be located.

**Mr. Allen** stated that there is residential in the area.

**Mr., Avrhami** asked what part of the site is zoned P-1.

**Mr. Allen** explained to Mr., Avrhami where the P-1 portion of the site is and further explained that the P-1 district only allows parking, no other use is allowed in P-1.

**Mr. Cashman** asked is motorhomes could be parked in the P-1 section of the site.

**Mr. Allen** explained that all motorhomes will be parked inside of the structure and there will be no outside storage of motorhomes.

**Ms. Gerst** asked if there is an existing stipulation that restricts hours of operation.

**Mr. Simmons** stated that there is not an existing stipulation limiting hours of operation.

**Mr. Avrhami** shared that he has questions about landscape strips called out in the original stipulations.

**Mr. Allen** explained that the landscape stipulation no longer applies because this original site was much larger. The original owners have sold off portions of the original site. The proposal in front of the committee today is only a portion of the original site so the landscape stipulation no longer applies.

**Mr. Cashman** stated that the applicant can do landscaping on their site but cannot make improvements to an adjacent property owners site even though it was stipulated in a previous case. The site in the previous case was one, now it is many.

**Mr. Allen** thanked Mr. Cashman for outlining this for Mr. Avrhami.

**Mr. Avrhami** asked if the new owners have closed on the land deal.

**Mr. Allen** shared that they have not but are in escrow.

**Mr. Avrhami** stated that the new owners should work with adjacent property owners in an effort to make the necessary landscape improvements to the area that are outlined in the original stipulations.

**Mr. Roy Wise** shared that it is unreasonable and completely unrealistic to ask an adjacent property owner to improve their property if it is outside of this request in front of the committee today.

**Mr. Tim Knobbe** asked what type of security features were planned for the site.

**Mr. Allen** shared that the site will have security cameras, high walls, and security gates. He also shared that no barbed wire will be added to top of walls.

**Chairwoman Hall** asked if there was going to be RV storage on the site.

**Mr. Allen** stated that there will be RV storage on the site that will be located on the interior of the buildings. No outside storage of RV's is permitted.

**Vice Chair Robert Gubser** asked what the intent was for the P-1 portion of the site.

**Mr. Allen** shared that the P-1 portion of the site is to be utilized for parking only. No other use is allowed in that portion of the site. He also shared that the C-3 district allows outside storage as an accessory use if completely screened. The P-1 portion of the site is not completely screened so RV's will not be parked there.

**Mr. Avrhami** asked what was currently located on Aire Libre and 31st Street.

**Mr. Allen** explained that there is a trailer park to the east of the site and an apartment complex to the south of the site. Mr. Allen went on to explain site visibility triangle requirements.

**Mr. Avrhami** asked why the applicant was proposing to strike Stipulation No. 10.

**Mr. Allen** stated that they could leave it, but it is covered through the cities site visibility triangle requirements, so it is really not needed.

**Mr. Robert Goodhue** shared concerns about outdoor storage height.

**Mr. Simmons** shared that outdoor storage is covered in the C-3 section of the Zoning Ordinance.

**Ms. Gerst** shared concerns with sign illumination near residential uses.

**Mr. David Ulibarri** asked why Ms. Gerst has concerns with sign illumination for day time hours of operation. Signs are illuminated so people can see them at night. Why limit the hours?

**Ms. Gerst** stated that the objective to limiting the hours of operation for sign illumination was to reduce the chance of the sign being a nuisance to surrounding residence.

**Mr. Allen** reemphasized that the sign configuration would be away from residential if the sign were to be illuminated.

**Ms. Gerst** stated that things change and thinks that neighbors should be protected through stipulations.

**Chairwoman Hall** shared that the hours of operation for the last storage case that was heard in front of the committee was stipulated to 6:00 am to 10:00 pm.

**Mr. Allen** stated that that would be an acceptable stipulation for this case as well.

**Mr. Cashman** stated that he thinks this is a good stipulation to add as well.

**Mr. Wise** asked how tall the buildings are going to be.

**Mr. Allen** shared that the building will be 17 feet in height.

**Chairwoman Hall** asked the committee if they had any additional questions. She stated that she likes the idea of adding hours of operation and would also like Stipulation Nos. 1 and two to reflect the City's date stamp rather than the engineers date stamp.

**Mr. Avrhami** explained that his questions were meant to gain a better understanding of the request and the history of the original entitlement. He thinks it is important to maintain the stipulations that were meant to improve the neighborhood and believes Stipulation Nos. 6 and 7 need to stay.

**Mr. Cashman** thinks that where there is existing dirt the applicant needs to make improvements.

**Mr. Ulibarri** stated that this is not reasonable. They should not have to improve their neighbor's property in order to move forward.

**Mr. Goodhue** explained that when things get stipulated a new developer with a new product can't adhere to old stipulations for an old request. He also shared that a developer cannot make improvements to a property that is not theirs.

**Chairwoman Hall** concurred with Mr. Goodhue.

**Mr. Knobbe** shared that he thinks the proposed improvements to the site will improve the neighborhood and is in support of the request.

**Mr. Avrhami** suggested a motion to approve the request with the added stipulation that the business access hours shall be limited to the hours of 6:00 am to 10:00 pm., an added stipulation that the illuminated sign be limited to the hours of 6:00 am to 10:00 pm, and that Stipulation Nos. 1 and 2 reflect the cities date stamp of July 5, 2019.

**MOTION:**

**Committee Member Matthew Avrhami** made a motion to recommend approval subject to modifications to Stipulation Nos. 1 and 2 and two additional stipulations.

**Committee Member Tim Knobbe** seconded the motion.

**VOTE:** **15-0**, motion passed unanimously, with Committee Members Hall, Gubser, Avrhami, Barnett, Belous, Cantor, Cashman, Enright, Gerst, Goodhue, Knobbe, Leshar, Sparks, Ulibarri and Wise in favor.

**VPC Recommended Modifications**

1.	That the development be in <del>specific</del> GENERAL conformance to the <del>colored version of the site plan dated March 26, 2001, JUNE 16, 2019</del> <b>STAMPED JULY 5, 2019.</b> <del>reflecting perimeter of vehicle parking and the outdoor storage of building materials with the P-1 being a minimum of 63 feet wide on the south and west sides.</del>
2.	<del>That there shall be no additional signage located on the site with the exception of internal directional signage.</del> THAT A 3-FOOT-HIGH BY 10-FOOT-WIDE SIGN BE PLACED IN THE GENERAL LOCATION AS DEPICTED ON THE SITE PLAN DATED <del>JUNE 16, 2019</del> <b>STAMPED JULY 5, 2019.</b>

**VPC Recommended Additional Stipulations**

11.	THE HOURS OF OPERATION SHALL BE LIMITED TO 6:00 AM TO 10:00 PM.
12.	THE HOURS OF THE ILLUMINATED SIGN SHALL BE LIMITED TO THE HOURS OF 6:00 AM TO 10:00 PM.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

Staff has no comments.