

SUMMARY MINUTES OF BOARD OF ADJUSTMENT ACTION HELD MARCH 10, 2015

CALL TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE -

ROLL CALL OF MEMBERS – Those Present: T.O. Owens, Chairman; Dave Marquez, Vice Chairman
Christine Duncan, Dave Marquez, Kathy Drulard, Cindi Kreutzer, Ted Terranova

It was moved by Mr. Owens to excuse Jenny Riley from the meeting.

The following votes were cast on the motion:

Those voting Yes: Owens, Drulard Duncan, Kreutzer, Terranova, Marquez

Those voting No:

Those absent: Riley

The motion to excuse is granted.

ALSO PRESENT: Reid Betzing, Sr. Ass't. City Attorney; Ron Arguello, Sr. Ass't City Attorney; Gary
Hammond, Senior Planner, Ben Thurston, Senior Planner; Shalisa Daugherty, Recording Secretary;
Jodi Baros; Recording Secretary in Training

APPROVAL OF MINUTES FOR FEBRUARY 24, 2015 – The minutes for February 24th stand approved
as printed.

RECONSIDERATION –

VAR2015-0002 – Otis Basham– 6249 Otis St.

Otis Basham submitted a letter for reconsideration of his variance.

MOTION

It was moved by Mr. Terranova to reconsider VAR2015-0002 Otis Basham, and set a Public Hearing
for April 28, 2015.

The following votes were cast on the motion:

Those voting Yes: Owens, Kreutzer, Terranova

Those voting No: Duncan, Marquez, Drulard

Those absent: Riley

The motion to reconsider is denied.

EXECUTIVE SESSION

The Executive Session was called by Reid Betzing, Sr. Ass't. City Attorney, to give legal advice to the
Board members.

Executive Session started at 7:05 pm

Meeting was called back to order at 7:25 pm

PUBLIC HEARING –

VAR2015-0003 – IRG Arvada, LLC – 9212 W. 58th Ave.

The public hearing was opened.

The property was posted and the fee was paid.

Mr. Owens entered the staff report, posting log, affidavit of mailing.

Ms. Kreutzer explained that she would like to be recused from the public hearing due to the fact that she has been very verbal against the redevelopment of the plaza and her husband has a financial connection with Auto Zone.

It was moved by Mr. Owens to excuse Ms. Kreutzer from the public hearing.

The following votes were cast on the motion:

Those voting Yes: Owens, Terranova, Duncan, Marquez, Drulard

Those voting No:

Those absent: Riley

The motion to excuse is granted.

Ms. Duncan explained that she would like to be recused from the public hearing due to the fact that she has been very verbal at City Council meetings against the redevelopment of the plaza.

The following votes were cast on the motion:

Those voting Yes: Owens, Terranova, Kreutzer, Marquez, Drulard

Those voting No:

Those absent: Riley

The motion to excuse is granted.

Mr. Owens explained that four affirmative votes are required in order to approve a variance. There was further discussion regarding the option of hearing the case with only four members, or continuing the case to another meeting.

Mr. Betzing stated the Board could suspend the bylaws in order to allow less than four affirmative votes.

MOTION

It was moved by Mr. Owens to suspend the bylaws for 4 affirmative votes.

The following votes were cast on the motion:

Those voting Yes: Owens, Terranova, Marquez, Drulard

Those voting No:

Those absent: Riley

The motion to suspend the bylaws is granted.

Rick Bellefeuille of Yes Co Signs was present on behalf of IRG Arvada, LLC., to speak on the variance. He stated that the variance was for a multi-tenant sign not just for Auto Zone. He read a letter submitted to the board from the ownership group in support of this variance. He went on to speak about the design features of the sign, the size of the sign, and the reason for the setback. He also stated how much this sign and the overall design of the plaza will add to the continued improvements of this area.

Tim Piper of Britina Design Group spoke in favor of this variance. He explained the details of the landscape and the design of the signs in great detail. He submitted to the board the Ralston Creek Streetscape Design Guidelines.

Mr. Owens entered the Ralston Creek Streetscape Design Guidelines into the record as Exhibit A.

There being no one else wishing to speak, the public input portion of the hearing was closed.

Mr. Owens asked staff to clarify the right of way that was dedicated for streetscape and the road expansion. He also asked if they would not have dedicated the 18 feet would they have met the 10 foot setback.

Mr. Thurston stated if 18 feet was not dedicated to the City, the 10 foot setback requirement would have been met.

Mr. Terranova asked staff to clarify if the applicant could apply for a revocable permit as it was stated in the staff report.

Mr. Thurston stated that there is no room to accommodate for a revocable permit. He also stated that is not a feasible way to accommodate a sign in the right of way.

Mr. Owens asked staff if they were aware of the design guidelines for the Ralston Corridor and who adopted them.

Mr. Thurston stated they were created for AURA and they did not go through any formal adoption process.

Mr. Terranova asked if signage was approved by Council along with the development.

Mr. Thurston stated no they are handled on a case-by-case basis.

Mr. Terranova also asked if the sign code will be addressed during the LDC update.

Mr. Hammond stated that it is time for the sign code to be reviewed again.

Mr. Betzing asked the applicant if Wal-Mart was going to be on the sign involved in this variance.

Mr. Bellefeuille stated no.

DISCUSSION OF MOTION:

Mr. Owens is in favor of the variance and he believes that the practical difficulty is because they dedicated 18 feet of property to the City for right of way. He believes if the sign was smaller you would lose the design aspect for the new development.

Mr. Terranova stated that he agrees with Mr. Owens and added that the most logical outcome is to grant these variances.

Mr. Marquez stated that he has an issue with the size of the sign because it does not comply with the LDC. However, the sign code may change and he could support these variances.

MOTION 1:

Variance 1:

It was moved by Mr. Terranova that variance request VAR2015-0003, IRG Arvada, LLC., 9212 W 58th Ave., to construct a freestanding monument sign that is 46.22 sq. ft. in size when Section 6.17.4 of the LDC limits the sign to 32 sq. ft., be granted.

This motion is based on Findings No. 1 through 8 on Page 11 of the Staff Report.

As to Finding No. 1, the special circumstance is that due to the fact of the reconfiguration of the project the sign could not be seen as easily if it was reduced.

The following votes were cast on the motion:
Those voting Yes: Owens, Drulard, Marquez, Terranova
Those voting No:
Those absent: Riley
Those abstained: Duncan, Kreutzer
The variance is granted.

MOTION 2:

Variance 2:

It was moved by Mr. Terranova that variance request VAR2015-0003 IRG Arvada, LLC., 9212 W 58th Ave., to construct a freestanding monument sign that is set back 1.5 ft. from the front (north) property line when Section 6.17.4 of the LDC requires a setback of 10 ft. from the front property line, be granted.

This motion is based on Findings No. 1 through 8 on Page 11 of the Staff Report.


As to Finding No. 1, the special circumstances are due to losing of 18 ft. of the right of way for the project and therefore requiring the sign to be closer.

The following votes were cast on the motion:
Those voting Yes: Owens, Drulard, Marquez, Terranova
Those voting No:
Those absent: Riley
Those abstained: Duncan, Kreutzer
The variance is granted.

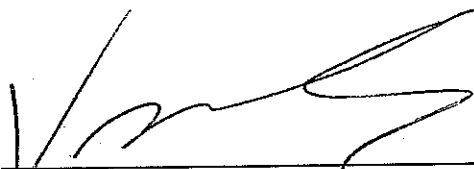
OTHER ITEMS –

The next meeting is scheduled for March 24, 2015 with one case.

MEETING ADJOURNED at 8:00 pm



Dave Marquez, Acting Secretary



T.O. Owens, Chairman



Jodi Baros, Recording Secretary