



BOARD OF ADJUSTMENT

August 22, 2019

City Annex Building, Council Chambers  
680 Park Avenue

**Member Present:** Alden Allen, Wendy Nobles, Gene Hicks, Nathan Kennedy, Kristi Brower, Ron Johnson

**Staff Present:** Kerry Beutler, Assistant Director; Naysha Foster, Recording Secretary

**Call to Order:** Ron, Vice Chairman called the meeting to order at 12:15 p.m.

**Procedure:** Ron explained the procedure of a public hearing process.

**Minutes:** Gene made a motion to approve the July 25, 2019 minutes as written. Alden seconded the motion. The motion carried unanimously.

**Conditional  
Use Permit**

Kerry went over the staff report and presentation. The conditional use permit (CUP) is for a new hitting/pitching tunnel at Chuckars Stadium. It is considered an outdoor amusement center. The stadium is owned by the City. Kerry indicated the location of the stadium and proposed tunnel. He explained that there was a CUP granted in 2005 to reconstruct the baseball complex stadium and all conditions were met with the exception of one. There was a condition that four foot (4') Evergreen bushes be planted in the island of the adjacent ally that was not completed. Since there is a backstop or twelve foot (12') solid fence that has been constructed which helps to mitigate noise issues. Kerry explained that it would be up to the BOA to reiterate that condition as part of the current condition. Kerry stated that there have been no complaints from surrounding property owners regarding noise. The conditions recommended by staff are as follows:

- Fence and sidewalk to be installed along the south edge of the new tunnel
- If tree is removed it shall be transplanted or replaced on the site
- Conditions of the previous CUP be met. Specifically the landscape required along the ally

Some questions came up regarding why the sidewalk currently does not extend beyond the proposed site and who was responsible for compliance of the original conditions. Kerry stated that the standards for safe pedestrian walkways is more restrictive than it used to be and the enforcement of the conditions is usually enforced during construction.

Ron opened the hearing.

Kevin Green the General Manager for the Chuckars explained that because it is a city facility he does not have control over the actual construction of the improvements. That would be the Parks and Rec Department, but he would oversee that it gets done. He referred the Board to a handout titled Melaleuca Field (Exhibit A). He also clarified that the grass and tree would not be eliminated and then went over the construction of the project.

**Board Discussion:**

Gene indicated that he does not have a problem with the project, but had concerns that one of the conditions had not been met in 14 years. Kevin asked that a variance be granted for the installation of the Evergreens. Kristi stated that it did not make sense to install the Evergreens at this point. Lyon, with Parks and Rec explained that the 12' fence that is there now is adequate to eliminate any noise issues. He also explained that the Parks and Rec Department is under new Administration and all the conditions would be met, however if he did not feel he would have enough money in the budget for installation of the shrubs. Alden agreed that 4' shrubs were not going to help with any noise issues. Kristi made a motion to revoke the original condition requiring the Evergreens along the ally. She does not feel it is necessary and there have been no complaints. Wendy seconded the motion. The motion to revoke the original condition carried unanimously. Gene made a motion to approve the CUP as presented and with staff recommendations for the conditions with the exception of the original condition that was just revoked, he added a condition that the City verify that all conditions are met and that if the tree is removed that it be relocated or replaced on site. Kristi seconded the motion. The motion carried unanimously.

**Reasoned Statement:**

Ron reviewed the Reasoned Statement with the Board. Gene made a motion to approve the Reasoned Statement with the amendment of the conditions as stated in the motion. Nathan seconded the motion. Motion carried unanimously.

**Variance:**

Kerry went over the staff report and presentation for a variance of relief of the landscape buffer requirements between the future building and adjacent street for Teton Communications. Kerry pulled up an aerial of the site that is currently used for a storage area. He explained that there is no curb, gutter, or sidewalk along the Utah Circle. There is basically a couple of drive isles and parking lots, even though it is a city street. The area was developed under old zoning codes and design standards. According to staff requiring them to meet the current design standards would actually create a hardship, would create a conflict with the surrounding properties and impede the drainage. Utah Circle is a short street that ends in a cul-de-sac therefore parking on the street would not impact traffic.

Tony Hoff, president of Teton Communications stated that the area has an industrial look and feel. The business is growing and they would like to expand by building on the last vacant lot on this street. Tony explained the current design standards would not fit in this area and would not be economically feasible. He explained that it is easier for big service trucks to drive down the street and space for them to turn around without impeding traffic because there is no curb and gutter.

Steve with HLE indicated that if the buffer were required you would have to determine where the access to the property would be and the overhead doors are larger than the minimum access width.

**Board Discussion:**

The Board agreed with all of the comments. There was very little discussion. Kristi made a motion to approve the variance as presented and recommended by staff. Gene seconded the motion. Motion carried unanimously.

**Reasoned Statement:**

Ron read the Reasoned Statement. Wendy made a motion to approve the Reasoned Statement. The motion carried unanimously. Tony thanked the staff. He said this was a frustrating process, but the staff made it go smooth.

**Adjourn:**

Ron adjourned the meeting at 12.51 p.m.

Respectfully Submitted,

Naysha Foster, Recording Secretary