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Legal Action Report – Meeting Minutes

DRAFT - Design Review Board (DRB)

Members of the Design Review Board (DRB) held a meeting, which was open to the public on:

Date and Time: Friday, January 24, 2025, 7:30 a.m.

Location: Meeting was held virtually using Microsoft Teams

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|-------------------------------------|----------------|
| 1. Call to Order / Roll Call | 7:33 AM |
| Paige Anthony | Present |
| Caryl Clement | Present |
| Cade Hayes | Absent |
| Grace Schau | Present |
| Chris Stebe, Chair | Present |

A quorum was established.

2. Review and Approval of 1/10/2025 Draft LAR and Meeting Minutes	Action Taken
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The motion was made by DRB Chair Stebe to approve the LAR and draft minutes of January 10, 2025. The motion was duly seconded by DRB member Clement. All in favor. Motion passed 4-0.

3. DRB Discussion on Guidelines for DRB Purview for benefit of Board / Applicant / Appellate	Action Taken
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A motion was made by DRB Chair Stebe to move number 3 agenda item to after the cases. The motion was duly seconded by DRB member Clement. All in favor. Motion passed 4-0.

4. Call to the Audience

No speakers present.

5. [TP-DDO-1124-00008](#) – Continued from 1/10/2025

Related Activity #s: [TC-RES-1222-01632](#)

[3438 N Wilson Dr](#) (Parcel # [11305192A](#))

RX-2 Zoning

Design Development Option (DDO) Appeal

Action Taken

Staff introduced the appeal and the appellant presented the reasoning behind the filing of the appeal.

The property owner provided the following clarifications to questions posed by the DRB:

- a) Property was purchased in 2022, and still in process of cleaning it up and obtaining the required permits

- for what was built by the previous property owner;
- b) The property will be a rental for residential uses, not commercial;
- c) There are no windows in the accessory structures; and
- d) There is no new proposed exterior lighting.

Staff provided the following clarifications to the DRB:

- a) DRB's purview is to make a recommendation to the Board of Adjustment (B/A), following the criteria specified in UDC Section 3.11.1.D.1 (Attachment B of the agenda); the B/A will make a decision on the appeal and will follow the same criteria specified in UDC Section 3.11.1.D.1;
- b) For this case, the appeal only applies to the dimensional standards' modification approved in the DDO for the two accessory structures on site (workshop attached to the house, and the metal building at the northeast corner of the property);
- c) Applicants can request modifications to dimensional standards through the DDO process based on not a self-imposed conditions;
- d) The DDO was approved for single-family residential use, as allowed by the underlying zoning;
- e) The approved DDO is strictly for setback reductions;
- f) Approved plans depict a block wall along the north property line, a wood fence at the northeast, in the rear of the property, and a metal fence along the south property line;
- g) Staff received a document with signed statements from neighbors indicating that they are fine with the project; staff has not received complaints from neighbors;
- h) Currently there is only one residential unit on the parcel; the workshop space, as indicated on the plans, does not increase the number of residential units;
- i) The existing steel structure is insulated, with the firewall section being already steel, plywood, and gypsum.

Motion was made by DRB Chair Stebe to recommend the Board of Adjustments to uphold the PDSD Director's decision to approve DDO-24-81, finding the application in compliance with the criteria established in UDC Sections 3.11.1.D.1 and 3.11.1.D.2. The motion was duly seconded by DRB Member Schau. The motion passed by a voice vote of 3-1, with DRB member Clement voting nay, indicating project does not meet the criteria established by UDC Section 3.11.1.D.2.d.

6. [SD-1124-00112](#) – De Novo Market & Tap – Continued from 12/20/2024

Related Activity #s: [TD-DEV-1124-00303](#), [TC-COM-1124-02161](#)

[177 N Church Ave](#) (Parcel # [117110170](#))

OCR-2 Zoning

RNA Review

Action

Applicant presented the revisions to the Design Package based on the DRB's review of 12/20/2024, and shared a detailed of the outdoor lighting fixture. Staff informed the DRB that, after discussing the shade study with the Zoning Administrator, she indicated private patio spaces are not considered towards meeting shade requirements; shade coverage requirement is to apply to public and semi-public space; and outdoor exclusive use areas, when shaded, do not count towards shade requirements.

Applicant provided the following clarifications to the DRB:

- a) Will revise the shade study calculations to not include patio area and to include public and semi-public spaces; will be able to exceed the 50% shade requirement for June 21st at 12:00 pm;
- b) Each column location will include one light; will revise Design Package to include on the site plan the locations of the light fixtures, and will also be depicted in the construction documents that will be submitted; electrical along the structure will be painted to match the metal structure, and it will be hidden from view;
- c) Notation on fence color and design per tenant will be removed from the Design Package;

Motion was made by DRB member Schau to approve the applicant's project finding that the project is in compliance with the design standards set forth in UDC Sections 5.12.7.C.1-15 and 5.12.7.D, subject to the following conditions: 1) Shade study calculations to be revised to include only public and semi-public pedestrian areas; 2) Location and detail of outdoor lighting to be included in the revised Design Package; and 3) Delete reference of design and color of fence per tenant. The motion was seconded by DRB member Clement. Motion passed by a voice of 4-0. The motion passed unanimously.

7. DRB to consider changing the DRB meeting time from 7:30 AM to 8:30 AM to allow additional flexibility for current and future Drb members.

Deferred to the 2/7/2025 DRB meeting. If there are cases to review, staff to schedule a separate DRB meeting.

8. DRB discussion on procedures/timelines.

Deferred to the 2/7/2025 DRB meeting. If there are cases to review, staff to schedule a separate DRB meeting.

9. DRB discussion on shade requirements.

Deferred to the 2/7/2025 DRB meeting. If there are cases to review, staff to schedule a separate DRB meeting.

10. Staff Announcements

Informational

None.

11. Adjournment

Meeting adjourned at 10:02 AM.