



Agenda

AMENDED

BOARD OF ADJUSTMENT

Tuesday, February 05, 2013 at 6:00 P.M.

200 Lincoln Ave. Santa Fe NM

City Council Chambers

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES: ~~December 18, 2012~~ January 14, 2013 minutes

E. FINDINGS/CONCLUSIONS:

1. Case # 2012-133. Appeal. Steven Coca

F. OLD BUSINESS

G. NEW BUSINESS

1. Case #2012-126. **Ashley Furniture Sign Variance**. Liaison Planning, Agent for Bill Johnson, Owner, requests a variance to Article 14-8-10(G)(8)(a)(d) and (e) SFCC regarding size, height, and setback to allow signage for a new retail establishment. The property is zoned General Commercial (C-2/PUD) and is located on the east side of Cerrillos Road, north of the Santa Fe Auto Park. (Dan Esquibel, Case Manager)

H. STAFF COMMUNICATIONS

I. MATTERS FROM THE COMMISSION

J. ADJOURNMENT

NOTES:

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.



Agenda

DATE 1/24/13 TIME 9:35

SERVED BY

RECEIVED BY

AMENDED

BOARD OF ADJUSTMENT

Tuesday, February 05, 2013 at 6:00 P.M.

200 Lincoln Ave. Santa Fe NM

City Council Chambers

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: December 18, 2012 minutes
- E. FINDINGS/CONCLUSIONS:
 - 1. Case # 2012-133. Appeal. Steven Coca
- F. OLD BUSINESS
- G. NEW BUSINESS

- 1. Case #2012-126. Ashley Furniture Sign Variance. Liaison Planning, Agent for Bill Johnson, Owner, requests a variance to Article 14-8-10(G)(8)(a)(d) and (e) SFCC regarding size, height, and setback to allow signage for a new retail establishment. The property is zoned General Commercial (C-2/PUD) and is located on the east side of Cerrillos Road, north of the Santa Fe Auto Park. (Dan Esquibel, Case Manager)

- H. STAFF COMMUNICATIONS
- I. MATTERS FROM THE COMMISSION
- J. ADJOURNMENT

NOTES:

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.



BOARD OF ADJUSTMENT
Tuesday, February 05, 2013 at 6:00 P.M.
200 Lincoln Ave. Santa Fe NM
City Council Chambers

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: December 18, 2012 minutes
- E. FINDINGS/CONCLUSIONS:
 - 1. Case # 2012-133. Appeal. Steven Coca
- F. OLD BUSINESS
- G. NEW BUSINESS

- 1. Case #2012-126. Ashley Furniture Sign Variance. Liaison Planning, Agent for Bill Johnson, Owner, requests a variance to Article 14-8-10(G)(8)(a)(d) and (e) SFCC regarding size, height, and setback to allow signage for a new retail establishment. The property is zoned General Commercial (C-2/PUD) and is located on the east side of Cerrillos Road, north of the Santa Fe Auto Park. (Dan Esquibel, Case Manager)

- H. STAFF COMMUNICATIONS
- I. MATTERS FROM THE COMMISSION
- J. ADJOURNMENT

NOTES:

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

**SUMMARY INDEX
OF THE BOARD OF ADJUSTMENT MEETING
Tuesday, February 5, 2013**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AMENDED AGENDA	Approved	1-2
APPROVAL OF MINUTES – December 18, 2012	Approved	2
FINDINGS/CONCLUSIONS		
<u>CASE #2012-133. APPEAL. STEVEN COCA</u>	Approved [corrected]	2
OLD BUSINESS	None	2
<u>NEW BUSINESS</u>		
<u>CASE #2012-126 ASHLEY FURNITURE SIGN VARIANCE. LIAISON PLANNING, AGENT FOR BILL JOHNSON, OWNER, REQUESTS A VARIANCE TO ARTICLE 14-8-10(G)(8)(a)(d) AND (e) SFCC, REGARDING SIZE, HEIGHT AND SETBACK TO ALLOW SIGNAGE FOR A NEW RETAIL ESTABLISHMENT. THE PROPERTY IS ZONED GENERAL COMMERCIAL (C-2/PUD) AND IS LOCATED ON THE EAST SIDE OF CERRILLOS ROAD, NORTH OF THE SANTA FE AUTO PARK</u>	Approved	3-5
STAFF COMMUNICATIONS	Information/discussion	5-6
MATTERS FROM THE COMMISSION	None	6
ADJOURNMENT		6

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
SANTA FE, NEW MEXICO
Tuesday, February 5, 2013**

A. CALL TO ORDER AND ROLL CALL

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by Gary Friedman, Chair, at approximately 6:00 p.m., on Tuesday, February 5, 2013, in the Council Chambers, City Hall, Santa Fe, New Mexico.

Gary Friedman, Chair
Coleen Dearing
Patricia Hawkins
Daniel H. Werwath
[Vacancy]

MEMBERS EXCUSED:

Rachel L. Winston, Vice-Chair
Douglas Maahs

OTHERS PRESENT:

Kelley Brennan, Assistant City Attorney
Tamara Baer, Planning Manager, Current Planning Division
Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for conducting official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AMENDED AGENDA

MOTION: Patricia Hawkins moved, seconded by Daniel Werwath, to approve the Amended Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote.

D. APPROVAL OF MINUTES – December 18, 2012

MOTION: Patricia Hawkins moved, seconded by Chair Friedman, to approve the minutes of the meeting of December 18, 2012, as presented.

VOTE: The motion was approved unanimously on a voice vote.

E. FINDINGS/CONCLUSIONS

A copy of the *Findings of Fact and Conclusions of Law* in Case No. 2012-133. Appeal of Construction Permit #12-1902 by Steven Coca, is incorporated herewith to these minutes as Exhibit "1."

1. CASE #2012-133. APPEAL. STEVEN COCA.

Ms. Brennan said there is one correction to the Findings, on page 3, paragraph 18, line 2, correct as follows: "...within 200 feet of the..."

MOTION: Patricia Hawkins moved, seconded by Daniel Werwath, to approve the Findings of Fact and Conclusions of Law in Case #2012-133, Appeal by Steven Coca, as presented by staff with the one correction to page 3.

VOTE: The motion was approved unanimously on a voice vote.

F. OLD BUSINESS

There was no old business

G. NEW BUSINESS

- 1. CASE #2012-126 ASHLEY FURNITURE SIGN VARIANCE. LIAISON PLANNING, AGENT FOR BILL JOHNSON, OWNER, REQUESTS A VARIANCE TO ARTICLE 14-8-10(G)(8)(a)(d) AND (e) SFCC, REGARDING SIZE, HEIGHT AND SETBACK TO ALLOW SIGNAGE FOR A NEW RETAIL ESTABLISHMENT. THE PROPERTY IS ZONED GENERAL COMMERCIAL (C-2/PUD) AND IS LOCATED ON THE EAST SIDE OF CERRILLOS ROAD, NORTH OF THE SANTA FE AUTO PARK. (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum prepared January 23, 2012 for the meeting of February 5, 2013, with attachments, to the Board of Adjustment, from Daniel A. Esquibel, Land Use Planner Senior, is incorporated herewith to these minutes as Exhibit "2"

A copy of graphics simulations of the subject site, entered for the record by Dolores Vigil, are incorporated herewith collectively to these minutes as Exhibit "3."

Staff was sworn

Staff Report

The staff report was presented by Daniel A. Esquibel, which is contained in Exhibit "2."

Staff recommendation: The Land Use Department has found compliance to the variance criteria and recommends approval.

Public Hearing

All those speaking were sworn en masse

Presentation by the Applicant

Dolores Vigil, Liaison Planning Services, P.O. 1835, 87504, Agent for the Applicant, was sworn. Ms. Vigil introduced Bill Johnson, the Applicant and Jeremy Dreskin, Studio Southwest, Architect for the project.

Ms. Vigil said she provided supplemental graphics for the record [Exhibit "3"]. She said these graphics represent what it looks like on the ground. She said, "The first page shows you how it would be set up, and how far back it would be from Cerrillos Road, based on the setback criteria that we have. The first one is the view from the south approach, and it shows the monument sign

in the background, and then the building on the east side of the road. The next graphic shows the view from traveling south with no variance, and shows that the monument sign would be set back quite a bit if we were to meet all the setback requirements for the Cerrillos Highway Corridor. The third page is a view from the north approach with a 10-foot setback, which is easier to see. As you can see there are some poles that might hide the view of the sign that are existing which will remain. The next page is a view from the north without the variance and it shows a 45-foot setback where it would be set back quite a bit, and it would be kind of hard for the customers to actually find a way to get into the property. So we feel it makes sense to put it within the 10 foot setback. And as Dan said earlier, that we had actually wanted to put it right on the property line, but we understand that it works better at the 10 foot setback and we concur with that. So we are asking that we be allowed that setback."

Ms. Vigil continued, "The last page shows you, if you haven't been out there, but I'm sure you all have, what it actually looks like and where those power poles are located. So when you are driving north on Cerrillos Road, there are some existing obstructions that may hinder a customer from seeing where Ashley Furniture would actually be located. And as you also know, there is an elevation change and we will be filling the site, but the elevation change is approximately 7 feet. So the height of the building and the variance that we're requesting, would be the 7 foot difference."

Bill Johnson, Applicant [previously sworn], said, "I fully understand the need for sign ordinances, particularly in a City as beautiful as Santa Fe. I know that it is critical, and so I am sensitive to that, and hopefully our request is taken into account. As a retailer, signage is absolutely critical and that's the case anytime, but certainly when the economy is tough, plus being a new business in the City, it is absolutely essential that we have signage that our potential customers can see as they drive by the site. Hopefully, you'll understand the reason for our request. Dolores has reviewed that. I think our site does have unusual characteristics that a lot of sites don't have. One is the elevation and the slope of the site which is very significant, and we're just trying to overcome that. We are bringing up the site a little bit, but not to the street level, so we're trying to accommodate for that."

Mr. Johnson continued, "Additionally, as you all are aware, the site is set way back off of the road, and so the monument sign, my numbers may not be exactly right, but I believe we're going to be around 93 feet off the street, so 93 feet from the pavement to our monument sign. I was just driving in from Albuquerque this evening, and I noticed Los Soleras, and I know their property line comes closer to the road, but their sign is 20 feet off the road, so we're going to be 93 feet back off of Cerrillos, so it is a very substantial setback if a variance is allowed, that's how far we'll be back off the street. Additionally, our building will be set back, I believe it's 180 feet, about 180 feet off of Cerrillos. We're going to be way, way back off the road."

Mr. Johnson continued, "So those two things, I think, are significant, and hopefully you all will agree that it is a reasonable request that we're making. We're very excited about coming to Santa Fe. We've been looking at Santa Fe for a number of years, and have found this site. Although it has challenges, we feel like it is going to be great site for us. We're really excited about coming to this community, creating jobs and additional tax dollars for the City. Thank you for your time and for listening to our request. And I'll be happy to answer any questions for you."

Ms. Vigil said they have reviewed the Staff Report and they concur with all of the information that was provided. She said they have worked hard to comply with the Code and trying to compromise.

Speaking to the Request

There was no one speaking for or against this request.

The public testimony portion of the public hearing was closed

MOTION: Daniel Werwath moved, seconded by Patricia Hawkins, to approve Case #2012-126 Ashley Furniture Sign Variance, finding that the requirements for a variance have been met in accordance with Article 14-8.10(F)(8)(a)(d) and (e) SFCC.

VOTE: The motion was approved unanimously on a voice vote.

H. STAFF COMMUNICATIONS

Mr. Esquibel asked if the Board likes the comb binding used to compile the Committee Packet, or if they would like to back to the three ring binders.

It was the consensus among the members present to continue with the comb binding of the Committee packets.

Chair Friedman asked if the compilation of Chapter 14 has been handed out, commenting he doesn't have a new one with all the changes.

Mr. Esquibel said he will let the Land Use Administrator know that the Board members would like some new Codes. He said there is a brand new Code as of March 1st, and they can throw away the old one.

Responding to a question from the Board, Mr. Esquibel said he can recycle the plastic comb and use it for the next meeting.

Ms. Brennan said late in the day Sunday, while driving up Cerrillos Road she noticed the mono pole and antennas are already at Baillio's. She said they looked surprisingly good. She said the cylinder isn't around the antenna yet, and it hasn't been painted, but she thought it looked quite appropriate. She suggested the members of the Board may want to take a look.

Ms. Hawkins said she just came back from Phoenix, and she made a point of looking for the fake mono palms, and they really wouldn't be good here.

[The discussion here was for the most part because a lot of the Board members had turned off their microphones.]

Mr. Werwath said he grew up in Maine, and the mono pines there look much more realistic.

Ms. Brennan noted the original proposal at Baillio's was for a mono pine, and it seemed as if it would stick out like a sore thumb. She said they have spoken with "them" about some sort of sculptural thing, and they are looking to get more space, and that would allow them to do 3 separate things and could be painted different colors and such.

Mr. Esquibel said someone gave the Historic Districts Review Board a wonderful presentation to show how they create stealth for these towers, and you can force them to do it, although they will fight "tooth and nail." He said their objective is to get it up as cheaply as possible, provide service and make money.

I. MATTERS FROM THE COMMISSION


There were no matters from the Commission.

J. ADJOURNMENT

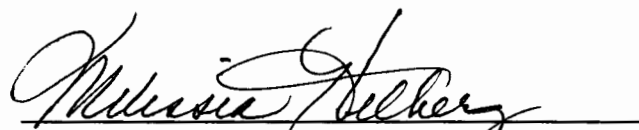
There was no further business to come before the Board.

MOTION: Colleen Dearing moved, seconded by Daniel Werwath, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:30 p.m.



Gary Friedman, Chair



Melessia Helberg, Stenographer

City of Santa Fe
Board of Adjustment
Findings of Fact and Conclusions of Law

Case No. 2012-133 – Appeal of Construction Permit #12-1902
Telecommunications Facilities at Baillio's (3294 Cerrillos Road)
Appellant – Steven Coca, President, Southwest Bellamah Neighborhood Association
Appellee – AT&T Mobility Services, LLC

THIS MATTER came before the Board of Adjustment (Board) for hearing on January 14, 2013 (the Hearing), upon the appeal (Appeal) of Steven Coca (Appellant), President, Southwest Bellamah Neighborhood Association (Association) of the issuance by the City of Santa Fe (City) Land Use Department (LUD) Director (Director) of construction permit #12-1902 (Permit) for construction of a 75-foot high telecommunications tower carrying 12 antennas and related equipment (Project) at Baillio's at 3294 Cerrillos Road (Property) by a contractor for AT&T Mobility Services, LLC (Applicant). The Permit was issued on October 30, 2012 and the appeal was filed on November 13, 2012.

The record on the Appeal (Record) includes the following documents:

1. The Verified Appeal Petition (Petition) filed on November 13, 2012;
2. The Memorandum to Board Members from Kelley Brennan, Assistant City Attorney, via Geno Zamora, City Attorney, regarding Appeal of Steven Coca, President, Southwest Bellamah Neighborhood Association from the October 30, 2012 Issuance of Construction Permit #12-1902, for a Telecommunications Tower at Baillio's, 3294 Cerrillos Road, Case N0. 2012-133, dated January 4, 2013 for the January 14, 2013 Meeting of the Board, with Exhibits A through Q (the Staff Report);
3. Legal research regarding notice requirements, submitted for the Record at the Hearing by Appellant witness Arthur Firstenberg;
4. 8 ½ by 11 color photograph of an existing lattice tower, antennas and related equipment located off Camino Entrada in an I-2 (General Industrial) district submitted for the Record at the Hearing by Applicant's attorney, Peter Dwyer;
5. Two 8 ½ by 11 color photo-simulations showing a 75-foot telecommunications tower with 12 exterior mount antennas as projected to show from Richards Avenue and Cerrillos Road respectively, submitted for the Record at the Hearing by Assistant City Attorney, Kelley Brennan;
6. Copy of the approved Project plans submitted for the Record at the Hearing by Applicant's attorney, Peter Dwyer submitted for the Record at the Hearing by Applicant's attorney, Peter Dwyer; and
5. The relevant portion of the minutes of the January 14, 2013 Board meeting.

After conducting a public hearing and having reviewed the Record and heard from the Appellants, the Applicants, City staff and members of the public interested in the matter, the Board hereby FINDS, as follows:

Exhibit "1"

FINDINGS OF FACT

General

- 1 The Board heard reports from staff and received testimony and evidence from the Appellant, the Applicant and members of the public interested in the matter.
2. The Board has authority under Santa Fe City Code (SFCC) §14-2.4(C)(1) "[t]o hear appeals of final actions of the [Director] applying the provisions of [Chapter 14]..."
3. Under SFCC §14-3.17(A)(1)(c), "[f]inal actions of the [Director] include the written issuance or denial of a permit or other approval within the [Director's] jurisdiction."
4. The issuance of the Permit constituted a final action of the Director subject to appeal to the Board.
5. SFCC §14-3.17(A)(2) provides for the filing of an appeal "[t]o contest noncompliance of a final action with Chapter 14 or § § 3-21-1 through 3-21-14 NMSA 1978;...[t]o contest the application of Chapter 14; or to appeal a decision lacking substantial evidence to support it."
6. SFCC §14-3.17(H)(4) provides that the Appellant has the burden of proving that the issuance of the Permit did not comply with Chapter 14 requirements; that Chapter 14 requirements were improperly applied in the issuance of the Permit; or that the issuance of the Permit was not supported by substantial evidence.
7. Pursuant to SFCC §14-6.2(E)(2)(a) all towers and antennas located within the City's jurisdiction are subject to SFCC §14-6.2(E) unless excepted under SFCC §14-6.2(E)(2)(b).
8. The Project is not excepted by §14-6.2(E)(2)(b) from the application of §14-6.2(E).
9. Pursuant to SFCC §14-6.2(E)(3)(a)(iii), new towers or antennas in C-2 districts require submittal of an application for administrative review and approval prior to submittal of an application for a construction permit.
10. The Property is zoned C-2.
11. The Project is for a new tower and antennas in a C-2 district and administrative review and approval was required prior to issuance of the Permit.
12. SFCC §14-6.2(E)(3)(b) requires applications for administrative approval to comply with the submittal requirements of SFCC §14-6.2(E)(6)(a) (the Submittal Requirements).
13. Pursuant to SFCC §14-6.2(E)(5) administratively approved towers and antennas are required to comply with applicable City codes and with the provisions of SFCC §14-6.2(E)(5)(a)-(l) (the General Requirements).
14. SFCC §14-6.2(E)(10)(a) sets out notice requirements for applications for administrative approvals, including mailed and posted notice within 24 hours of submitting an application, and SFCC §14-3.11(B)(5) requires that notice of the issuance of construction permits be posted on the property for which the permit has been issued within 24 hours after issuance (collectively, the Notice Requirements).
15. The Applicant's application for administrative approval for the Project (Application) did not require early neighborhood notification.

Notice

16. The Application letter submitted in accordance with SFCC §14-6.2(E)(6)(b)(i), which is attached as Exhibit B to the Staff Report, is dated September 12, 2011.

17. Electronic records kept by the City, attached as Exhibit L to the Staff Report, indicate that the Application was submitted on September 15, 2011.
18. Pursuant to SFCC §14-6.2(E)(10)(a)(i) the Applicant was required to provide mailed notice of the Application submittal to all property owners and addresses within 200 of the Project site, exclusive of rights of way, and to any neighborhood association listed with the Director with boundaries that encompass the Project site.
19. The Association is listed with the Director, but the Property is located in a C-2 district and thus the Project site does not lie within the boundaries of the Association.
20. The Applicant provided to the City Certified Mail Receipts, attached as Exhibit P to the Staff Report (Exhibit P), that were not postmarked, but was able to show that the required mailed notice was deposited with the U.S. Postal Service for mailing on September 14, 2011 by providing a copy of a returned envelope with a Certified Mail number that matched one of the Certified Mail Receipts postmarked with that date, which envelope is included in Exhibit P.
21. Two of the Certified Mail Receipts included in Exhibit P indicate that two people who testified at the Hearing that they did not receive notice of the submittal of the Application, Margaret Segura and Carmen Vigil, were mailed notice as Maragaret Segura and Vigil, Carmen Trustee of the Carmen Vigil Trust, respectively.
22. Email correspondence attached to the Staff Report as Exhibit Q indicates that on September 27, 2011 the Appellant received from the Applicant "the core application", acknowledging that "there were a bunch of attachments that [the Applicant] submitted in hard copy so this is not the complete application materials" and that on October 4, 2011 the Appellant asked the Applicant whether he had "responded to the City and their concerns regarding the [Project]?" and asking for an electronic copy of that response.
23. Based upon the information contained in the Staff Report and on testimony at the Hearing, the Applicant complied with the mailing requirements of SFCC §14-6.2(E)(10)(a)(i).
24. Based upon the information contained in Exhibit Q to the Staff Report and on testimony at the Hearing, the Appellant, both individually and as President of the Association, had actual notice of the filing of the Application.
25. The Permit issued on October 30, 2012 and based upon information contained in the Staff Report and on testimony at the Hearing, the Permit poster (Poster) was posted at the Project site in accordance with SFCC §14-6.2(E)(10)(a)(ii) requirements.
26. The Appellant photographed the Poster lying face up on the sidewalk on Richards Avenue on November 13, 2012.
27. Based on information contained in the Staff Report, including the Applicant's e-mail correspondence attached as Exhibit O (Exhibit O), the Applicant discovered on November 13, 2012 that the Poster had been moved from its Richards Avenue location to the Project construction area and that same day returned the Poster to its original location.
28. On November 20, 2012 the Applicant discovered that the Poster was no longer posted and obtained a replacement from the City and on November 21, 2012 posted it on Richards Avenue.
29. Based upon the photograph taken by the Appellant on November 13, 2012 showing the Poster lying face-up on the sidewalk on Richards Avenue, attached as part of Exhibit A to the Staff Report, the Appellant, both individually and as President of the Association, had actual notice of the issuance of the Permit.

30. Based upon the information contained in Exhibit O, the Poster was properly posted on November 21, 2012.
31. The Applicant complied with the Notice Requirements.

Purposes of SFCC §14-6.2(E)

32. SFCC §14-6.2(E)(1)(a) through (e) state the purposes of SFCC §14-6.2(E), which are, generally, to comply with applicable state and federal laws and regulations regarding the provisions of telecommunications services [SFCC §14-6.2(E)(1)(a)]; to promote regulatory certainty [SFCC §14-6.2(E)(1)(c)]; to minimize adverse land use impacts of towers and antennas through encouraging the location of towers in nonresidential districts, requiring collocation of antennas to minimize new tower sites and encouraging the use of minimally visually intrusive technology to the maximum extent technically feasible, and requiring careful design, siting, landscape screening and innovative camouflaging techniques [SFCC §14-6.2(E)(1)(d)]; and to enhance the ability of telecommunications providers to provide telecommunications services to the community quickly, effectively and efficiently (the Purposes).
33. Pursuant to SFCC §14-6.2(E)(12), the Director has the authority to interpret SFCC §14-6.2(E) in accordance with the Purposes and to administer and enforce its provisions.
34. The Purposes are intended to assist the Director in interpreting and applying the substantive provisions of SFCC §14-6.2(E), rather than to operate as independent standards.

Project Approval Process; Compliance with the Submittal Requirements

35. The records of the City indicate that the Application was filed on or about September 15, 2011 (Application Date) and was administratively approved by the Director (the Administrative Approval) on August 1, 2012 (Administrative Approval Date).
36. Between the Application Date and the Administrative Approval Date the Applicant and the Director and LUD staff corresponded extensively regarding the Project, as shown in Exhibits C through J to the Staff Report, which addressed, among other things, the feasibility of alternative antenna configurations and sites for the Project and of alternative Project designs.
37. Between the Application Date and the Administrative Approval Date the Applicant and the Director and LUD staff met multiple times to discuss the Application and the Project.
38. Between the Application Date and the Administrative Approval Date the Applicant submitted supplemental information relating to the Project in response to requests made by the Director and redesigned the tower and antennas in accordance with the Director's requests.
39. The Applicant complied with the Submittal Requirements.

Visual Impact of the Project

40. The General Requirements include certain aesthetic requirements set out in SFCC §14-6.2(E)(5)(c) (the Aesthetic Requirements) that address visual impact.
41. SFCC §14-6.2(E)(5)(c)(i) requires that telecommunications facilities be installed underground to the maximum extent technically feasible.

42. It is not technically feasible to install the Project tower and antennas underground, as wireless telecommunications rely on line-of-sight technology, requiring an unobstructed path from antenna to user and it is not technically feasible to install the related equipment underground due to the increased costs associated with constructing a vault to contain the equipment and ventilating it to prevent overheating and to the difficulties in accessing the equipment for routine and emergency maintenance.
43. SFCC §14-6.2(E)(5)(c)(ii) requires that telecommunications facilities be designed, installed and maintained so as to minimize the visual impact upon adjacent properties, public rights-of-way and residentially-zoned property and identifies acceptable methods to do so, including concealment, screening, camouflaging, color, materials, texture, shape, size and location.
44. SFCC §14-6.2(E)(5)(b) provides that towers in C-2 districts may be up to 100 feet high.
45. The Project as approved minimizes visual impact through size, concealment, screening, camouflaging, color and location, by reducing height below 100 feet as much as possible while assuring effective service coverage, utilizing a monopole design, enclosing the antennas at the top of the tower in a cylinder, building a stucco-finished wall to screen at-grade equipment, utilizing a neutral color to reduce the silhouette of the tower and antennas and locating the Project in a C-2 district in a developed area along one of the City's commercial corridors.
46. SFCC §14-6.2(E)(5)(c)(iii) requires that consideration be given to minimize disruption to or alteration of the natural land forms and landscape.
47. The Project site is located in an asphalt-surfaced parking lot in a C-2 district and will not result in disruption to or alteration of natural land forms and landscape.
48. SFCC §14-6.2(E)(5)(c)(iv) prohibits permanent lighting unless there is no other alternative available to comply with federal law and requires that any permanent lighting be shown on the application, excluding equipment status indicator lights not exceeding fifteen watts.
49. The Project does not include permanent lighting, but does include "tech lights" inside the walled enclosure for use while servicing equipment and such lighting is shown on the approved Permit plans.
50. SFCC §14-6.2(E)(5)(g) requires that the Project be designed, constructed and installed to minimize noise to the maximum extent feasible in compliance at a minimum with SFCC §10-2 (the Noise Ordinance).
51. As shown in Exhibit G to the Staff Report, the Project design complies with SFCC §14-6.2(E)(5)(g) and the Applicant has acknowledged that it is required to comply with the Noise Ordinance.
52. The Project complies with the Aesthetic Requirements in accordance with the Purposes, in that it is sited and designed to minimize visual impact upon adjacent lands, public rights-of-way and residentially zoned property while allowing the Applicant to provide telecommunications services to the community quickly, effectively and efficiently.
- 53 The Project complies with the General Requirements.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the Hearing, the Commission CONCLUDES as follows:

1. The Board has the power and authority to hear and decide the Appeal.
2. The Applicant complied with the Notice Requirements.
3. The Appellant had actual notice of the Application and of the issuance of the Permit.
4. The Applicant complied with the Submittal Requirements.
5. The Project complies with the General Requirements, including the Aesthetic Requirements.
6. The Administrative Approval was supported by substantial evidence.
7. The Administrative Approval was properly granted in accordance with Chapter 14 requirements.
8. The Permit was properly issued in accordance with Chapter 14 Requirements.
9. The Appellant has the burden of proving that the Permit did not comply with Chapter 14 requirements, that Chapter 14 was improperly applied or that the Director's grant of Administrative Approval or issuance of the Permit were not supported by substantial evidence.
10. The Appellant has not met his burden of proof.

**WHEREFORE, IT IS ORDERED ON THE _____ OF FEBRUARY 2013 BY THE
BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:**

That the Appeal is denied.

Gary Friedman
Chair

Date:

FILED WITH THE CITY CLERK:

Yolanda Y Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date:

City of Santa Fe, New Mexico

memo

DATE: January 23, 2013 for the February 05, 2013 Board of Adjustment Meeting

TO: Board of Adjustment

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, Planner Manager, Current Planning Division *[initials]*

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division *DA*

ASHLEY FURNITURE SIGN VARIANCE

Case #2012-126. Ashley Furniture Sign Variance. Liaison Planning, Agent for Bill Johnson, Owner, requests a variance to Article 14-8-10(G)(8)(a)(d) and (e) SFCC regarding size, height, and setback to allow signage for a new retail establishment. The property is zoned General Commercial (C-2/PUD) and is located on the east side of Cerrillos Road, north of the Santa Fe Auto Park. (Dan Esquibel, Case Manager)

RECOMMENDATIONS

The Land Use Department has found compliance to the variance criteria and recommends **APPROVAL.**

I. APPLICATION SUMMARY

This application for variances to the City's sign code regulations is related to development of a retail business on Cerrillos Road. Ashley Furniture will be housed in a new 29,000 square foot structure, which will be reviewed administratively as a building permit. (Planning Commission review of a development plan is triggered in the C-2 District by new construction greater than 30,000 square feet or 10,000 within 200 feet of residential zoning.) . The property is located in Zone 4 of the Cerrillos Road Highway Corridor (reference Exhibit A).

The applicants are applying for variances to the City sign regulations to compensate for the topography of the property, which will place the finished floor elevation of the store at 7 feet below Cerrillos Road. The request originally included a variance to sign size and a monument sign with no setback, where 45 feet are required. The application has been amended to conform with sign size regulations and to request a 10 foot setback for the monument sign. A third variance to sign height remains in place. The case caption reflects the original application.

Exhibit "2"

[Staff Note: The original application was for a variance of 100% encroachment into the setback but has been amended to match the setbacks recently approved for the nearby Entrada Contenta and Las Soleras Developments. In those cases, the reduced setback was approved as a variance for Entrada Contenta and through adopted design standards for Las Soleras.]

Setback.

The first sign variance requested is to 14-8.10(G)(8)(d) and will allow the applicant to decrease the sign setback for the ground mounted monument sign from 45 feet required by code to approximately 10 feet at the northwest corner of the property along Cerrillos Road.

Height.

The second variance requested is to 14-8.10(G)(8)(e) and will allow the top of the wall mounted sign to be at 30 feet, or 5 feet higher than permitted by code (25 feet Maximum) (reference Exhibit A).

The following code sections are part of "General Requirements for Signs According to District," and are those portions of the sign regulations for which variances are requested.

(8) *For C-2, SC, and I properties located within the Cerrillos Road highway corridor protection district, the following standards shall apply:*

(d) All free-standing signs along Cerrillos Road shall meet the building setback requirements set forth in Section 14-5.5(B)(4)(a)(iii).

"Setbacks and Yards

The minimum building setback or yard, as measured from any property line abutting Cerrillos Road right of way, shall be fifteen (15) feet in CRHC zone one, twenty-five (25) feet in CRHC zone two, thirty-five (35) feet in CRHC zone three and forty-five (45) feet in CRHC zone four or twenty percent of a lot's depth, whichever is less. Setback requirements for other front yards shall be one-half the depth required for front yards in the underlying zoning district;"

(e) No freestanding sign shall exceed fourteen (14) feet in height in corridor zone one, sixteen (16) feet in corridor zone two, eighteen (18) feet in corridor zone three, and twenty (20) feet in corridor zone four. No wall mounted sign shall exceed twenty-five (25) feet in height, or the height of the wall on which it is mounted, whichever is less;

II. ENN

On July 30, 2012 an Early Neighborhood Notification (ENN) meeting was conducted at the Southside Library. There were 2 persons in attendance not including the applicant. No concerns were raised.

III. APPROVAL CRITERIA

Santa Fe City Code 1987 14-3.16(C)(1) through (5) and, if applicable, Subdivision 14-3.15(C)(6), are required to grant a variance for height (reference Exhibit A for Applicant's response to the variance criteria):

(1) One or more of the following special circumstances applies:

- (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
- (b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
- (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
- (d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

Applicant Response:

This variance request is to the rules based on the criteria that unusual physical characteristics exist that distinguish the land from others in the vicinity. The land's severe topography sloping to the east approximately 7' or more below Cerrillos Road and the location of the building due to the topography and the 40' service road and R.O.W setback from Cerrillos Road, establishes the need for approval of exceptions to the Land Development Code regarding sign size, height and setback. The code allows for "perfect scenarios", no slope or right of way nor 40' service road. If the property did not have these issues, the applicant would not need a variance.

Staff Response:

The applicant submittals demonstrate circumstances related to topographic constraints to establish their compliance with 14-3.16(C)(1)(a) above. The submittals show that the existing grade of the property is approximately 13 feet below Cerrillos Road, which distinguishes the land from others in the vicinity.

- (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

Applicant Response:

The building will need to be located 180 feet from curb, plus 150 feet to the opposite side of the right-of-way, and more than 350 feet to the south bound left turn lane to the north of the property, where most of the local traffic will be entering making it difficult for patrons to see the wall and monument sign if all existing code requirements for size and location are met.

Staff Response:

Staff has found no constraints or circumstances that prevent construction on the property. While there are no construction restraints, the existing elevation produces some visual impairment to sign visibility that other properties in the area are may not be encumbered with.

Monument Sign - The applicant's submittals do not establish compliance to this criterion for placement of the monument sign within the required setback. However, Staff review of the project and discussions with the applicant introduced circumstances established by the Planning Commission for requiring design standards for Las Soleras and Entrada Contenta which affect architectural design to buildings and signs along this portion of Cerrillos Road. The applicant's development is just shy of triggering big box design standards and they not subject to the Planning Commission's approval, but have agreed to adhere to the design standards adjoining Las Soleras and Entrada Contenta. The requested variance will allow a setback of 10 feet which was permitted for Las Soleras and Entrada Contenta. The variance will also ameliorate some visual degradation caused by topographic conditions for traffic on along Cerrillos Road.

Wall Mounted Sign -The requested variance to sign height for the wall mounted sign on the building provides reasonable mitigation to the topographic conditions that brings equivalent sign height to this development equal to those properties at grade with Cerrillos Road but not greater than what is allowed by code along this corridor.

- (3) **The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.**

Applicant Response:

The intensity of the development will not exceed that which is allowed on other properties in the vicinity but in fact lessen the intensity when the existing lots are consolidated into one legal lot.

Staff Response:

The proposed variances are intensifications to city sign regulations for height and setback. They do not affect intensity of the development on the property. The proposed variances are the applicant's requests for offsets related to existing conditions of the property that otherwise provide constraints other properties in the district may or may not be encumbered with. Additionally, the applicant will consolidate existing lots into a single lot to contain the proposed development.

- (4) **The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:**

- (a) **whether the property has been or could be used without variances for a different category or lesser intensity of use;**

Applicant Response:

The property, as it stands now, is actually 4 undeveloped properties. As smaller individual properties, with independent buildings or suites and multiple uses, it seems the intensity of use would actually increase. Our intension is to consolidate the lots, for a single use building. Without the variances the sign size will be difficult to see from Cerrillos Road and the location of the monument sign will not be visible from Cerrillos Road.

Staff Response:

The property is located in a C-2 District which allows the majority of uses permitted by Code. Uses that rely on marketing and presence such as retail, restaurant and services will be limited in visibility due to the topographic conditions of the property while those uses that do not rely on presence will not be as affected such as government, educational or nonprofit. This property could be used for such a use without the necessity of a variance. However, the application proposal is for a retail use.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

Applicant Response:

The Cerrillos Road Highway Corridor Protection District by its express provisions states in the Land Development Code Section 14-4.3B(c):

"Cerrillos Road is one of Santa Fe's busiest thoroughfares, one of Santa Fe's primary entranceways, and one of the community's major commercial strips. For these reasons, it is the purpose and intent of the CRHC district to assure that Cerrillos Road:

(c) allows for clear identification of, and easy access to, all commercial and institutional establishments

For this reason, approval of this variance request would allow for this provision to be met, by clearly identifying the entrance of the property with the proposed location of the monument sign and the proposed wall sign will identify the location of the building from Cerrillos Road. All of which is in harmony with the declared intent of the ordinance and General Plan. Moreover, the variance requests will not be injurious, detrimental nor set precedence because of the land's unique nature regarding its setback from Cerrillos Road and sloping topography.

Staff Response:

The purpose and intent of the sign regulations is to establish a comprehensive and balanced system of sign control that promotes a safe and attractive environment within the city for reasonable communication to the public.

The proposed variances to the requirements do not compromise this philosophy but only provide a mechanism to offset imbalance in the property to others in the vicinity given the same standards. The Board will need to determine if the submittals presented establish compliance to the criteria in order to vary the standards for requested offset to the regulations by the applicant.

(5) The variance is not contrary to the public interest.

Applicant Response:

This variance request is not contrary to public interest because it is a unique circumstance based on the properties location from Cerrillos Road, sloping topography and location of the building required by City code development requirements.

Staff Response:

The Applicant's responses identify circumstances which define some limitations for development due to topographic conditions. The applicant has also agreed to continue architectural design established for two large neighboring developments affecting this portion of Cerrillos Road. The five points presented establish reasonable compliance to the criteria to vary height. The Board will need to determine if the applicant's criteria provide reasonable compliance to vary setback given existing conditions and circumstances.

IV. CONCLUSION

The Land Use Department has determined that the requested variances to sign height and setback are not contrary to the public interest and comply with the criteria to request a variance before the Board of Adjustment.

V. EXHIBITS

Exhibit A - Applicant's Data

Exhibit B- ENN and correspondence

Exhibit D- Vicinity Map

Packet Attachment -Plans and Maps

February 05, 2013
Board of Adjustment
Case # 2012-126

**ASHLEY FURNITURE SIGN
VARIANCE**

EXHIBIT A

Applicant Data



Studio Southwest
Architects Inc.

Albuquerque
2101 Mountain Road NW
Albuquerque, NM 87104
T 505.843.9639
F 505.843.9683
mail@studioswarch.com

Santa Fe
P.O. Box 9308
Santa Fe, NM 87504
T 505.982.7191
F 505.992.0585
mail@studioswarch.com

www.studioswarch.com

January 17, 2013

Daniel Esquibel
Land Use Planner Senior
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Lots 10, 11, 12, 13 & the Emblem Road Tract of the Emblem Subdivision, on Cerrillos Road, south of Wagon Road, north of Governor Miles Road, Request for variance

Dear Mr. Equibel:

The purpose of this letter is to provide information that satisfies the qualifying criteria to apply for a variance to the code 14-8.10.G-8 sections a, d & e, regarding signs.

The property is located within the CRHC Cerrillos Road Highway Corridor Protection District, Zone Four as identified in Chapter 14 of the Santa Fe City Code. The code establishes a maximum sign size of eighty square feet, and signs shall not exceed twenty-five feet in height. The code also requires all free-standing signs to meet the building setback requirements.

We request a variance to these rules based on the criteria that unusual physical characteristics exist that distinguish the land from others in the vicinity based on the severe topography and proposed location of the building due to the topography.

The maximum size wall mounted building sign of 80 square feet is exceptionally small when considering the distance between Cerrillos Road and the location of the proposed building. We request to have 1 - 90 square foot sign on the building. This will make the text of the logo readable from the property line, as per ANSI Standards Table 703.2.4, and will provide patrons with legible location and way finding to the building from the existing driveway. The building is 180 feet from curb, plus 150 feet to the opposite side of the right-of-way, and more than 350 feet to the south bound left turn lane to the north of the property, where most of the local traffic will be entering. I have attached an elevation as an example of the size of the sign, table 703.2.4, and a rendering from both directions to represent the view from the road.

The code requires that wall mounted signs shall not exceed 25 feet in height. We request that the wall mounted sign would be 5' higher than the code allows, bringing the top of the wall mounted sign to 30 feet above grade at the building, for visibility. The finished floor and grade at the entrance of the proposed building is 7' or more below the road. The 30 foot height would be relatively the same height as allowed by code, if the finished floor elevation of the building was equal the elevation of the road. Please see attached elevation as an example of the height of the sign, and a rendering from both directions to represent the view from the road.

Finally, City code requires that free standing signs meet the building set back requirements. The building set back is 45 feet from the property line. The property line is 83 feet from the curb. This would locate the monument sign 128 feet minimum from the closest traffic lane, and 7 feet below the road, not particularly visible to vehicular traffic. We would like the monument sign to be located at the west property line, closest to the right of way for visibility and safe way finding for the patrons. Please find a site plan attached, locating the proposed monument sign, as well as rendering depicting views to the site.

Click Here To Enter Recipient Name.

Click here to enter a date.

Page 2

We feel the severe topography of this property, and the location of the building due to the topography, justifies an exception to the existing code requirements for the area. It is the intention that these requests will enhance the building design and visibility to promote safe access to this property as well as the neighboring property, which shares vehicular access to the north. Thank you for your consideration of these design aspects.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Dreskin". The signature is fluid and cursive, with a large, stylized "D" and "r".

Jeremy Dreskin, AIA

cc: file

LIAISON PLANNING SERVICES INC.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 LIAISONPLANNING@GMAIL.COM

January 18, 2013

Mr. Daniel Esquibel
Land Use Planner Senior
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Variance Request for Lots 10, 11, 12, 13 & the Emblem Road Tract of the Emblem Subdivision, on Cerrillos Road, south of Wagon Road, north of Governor Miles Road

Dear Mr. Esquibel:

On behalf of Mr. Bill Johnston of Ashley Furniture, please accept this application and letter as a formal request for variances to the Land Development Code 14-8.10.G-8 sections a, d & e regarding signs. The purpose of this letter is to provide information that satisfies the qualifying criteria to apply for a variance. The property is located within the Cerrillos Road Highway Corridor Protection District, Zone Four as identified in Chapter 14 of the Santa Fe City Code.

In accordance with Section 14-3.16 (C) (1) through (5) of the City of Santa Fe Land Development Code the following criteria must be addressed:

(1) The following special circumstances applies:

(a). unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

This variance request is to the rules based on the criteria that unusual physical characteristics exist that distinguish the land from others in the vicinity. The land's severe topography sloping to the east approximately 7' or more below Cerrillos Road and the location of the building due to the topography and the 40' service road and

R.O.W setback from Cerrillos Road, establishes the need for approval of exceptions to the Land Development Code regarding sign size, height and setback. The code allows for "perfect scenarios" , no slope or right of way nor 40' service road. If the property did not have these issues, the applicant would not need a variance.

The maximum size and height allowed for a wall mounted building sign of 80 square feet is exceptionally small for this property when considering the distance between Cerrillos Road and the location of the proposed building. We request to have 1 - 90 square foot sign on the building and 1-60 square foot monument sign to be located on the west property line (adhering to the 150 square foot maximum per lot) and a 5' variance to the wall sign height.

Wall Sign and Height: *The code requires that wall mounted signs shall not exceed 25' in height. We request that the wall mounted sign be 5' higher than the code allows, bringing the top of the wall mounted sign to 30' above grade at the building, for visibility. The finished floor and grade at the entrance of the proposed building is 7' or more below the road. The 30' height would be relatively the same height as allowed by code, if the finished floor elevation of the building was equal to the elevation of the road. The text of the logo will become readable from the property line, as per ANSI Standards Table 703.2.4, and will provide patrons with a legible location and way of finding the building from the existing driveway.*

Monument Sign: *City code requires that free standing signs meet the building set back requirements. The minimum setback is 45' from the property line, the property line is 83 feet from the curb. This would locate the monument sign 128' minimum from the closest traffic lane, and 7 feet below the road, not particularly visible to vehicular traffic. We would like the monument sign to be located at the west property line, closest to the right of way for visibility purposes.*

- (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

The building will be need to be located 180 feet from curb, plus 150 feet to the opposite side of the right-of-way, and more than 350 feet to the south bound left turn lane to the north of the property, where most of the local traffic will be entering making it difficult for patrons to see the wall and monument sign if all existing code requirements for size and location are met.

(3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

The intensity of the development will not exceed that which is allowed on other properties in the vicinity but in fact lessen the intensity when the existing lots are consolidated into one legal lot.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

The property, as it stands now, is actually 4 undeveloped properties. As smaller individual properties, with independent buildings or suites and multiple uses, it seems the intensity of use would actually increase. Our intension is to consolidate the lots, for a single use building. Without the variances the sign size will be difficult to see from Cerrillos Road and the location of the monument sign will not be visible from Cerrillos Road.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

The Cerrillos Road Highway Corridor Protection District by its express provisions states in the Land Development Code Section 14-4.3B(c):

" Cerrillos Road is one of Santa Fe's busiest thoroughfares, one of Santa Fe's primary entranceways, and one of the community's major commercial strips. For these reasons, it is the purpose and intent of the CRHC district to assure that Cerrillos Road:

(c) allows for clear identification of, and easy access to, all commercial and institutional establishments

For this reason, approval of this variance request would allow for this provision to be met, by clearly identifying the entrance of the property with the proposed location of the monument sign and the proposed wall sign will identify the location of the building from Cerrillos Road. All of which is in harmony with the declared intent of the ordinance and General Plan. Moreover, the variance requests will not be injurious, detrimental nor set precedence because of the

land's unique nature regarding its' setback from Cerrillos Road and sloping topography.

- (5) The variance is not contrary to the public interest.

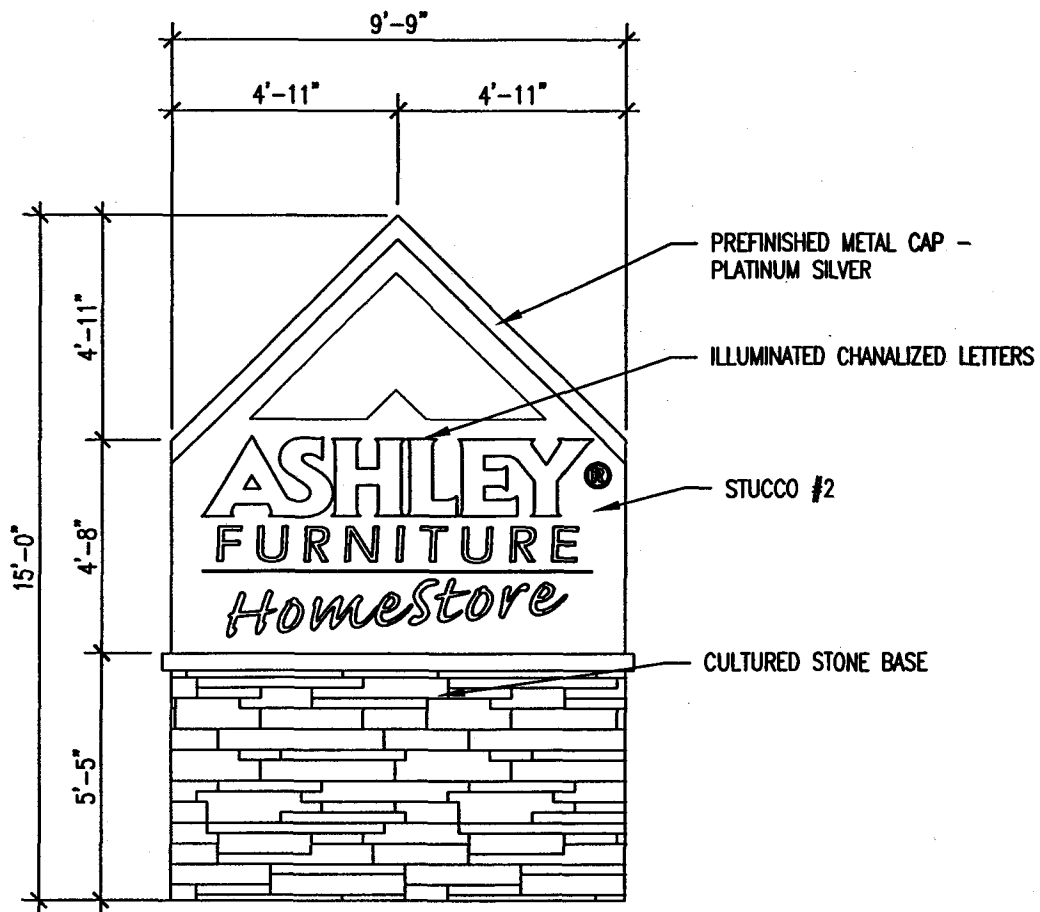
This variance request is not contrary to public interest because it is a unique circumstance based on the properties location from Cerrillos Road, sloping topography and location of the building required by City code development requirements.

We feel the severe topography of this property, and the location of the building due to the topography, justifies an exception to the existing code requirements for the area. It is the intention that these requests will enhance the building design and visibility to promote safe access to this property as well as the neighboring property, which shares vehicular access to the north. It is important to note that the applicant has modified their standard branding logo to meet City code. Thank you for your consideration of these design aspects.

Sincerely,

Dolores I. Vigil
Liaison Planning Services Inc.

Attachments: Architect's Letter and Packet Material
Wall Sign Details
Monument Sign Detail



A2

MONUMENT SIGN - BOTH SIDES

1" = 20'

70 SF

February 05, 2013
Board of Adjustment
Case # 2012-126


**ASHLEY FURNITURE SIGN
VARIANCE**

EXHIBIT B

ENN



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

Project Name	Ashley Furniture
Project Location	Cerrillos Road between Wagon Road and Jaguar Drive
Project Description	Variances to sign size, height and setback (Section 14-8.10(G)(8) a, d, and e SFCC 1987)
Applicant / Owner	Ashley Furniture
Agent	Dolores Vigil, Liaison Planning
Pre-App Meeting Date	July 30, 2012
ENN Meeting Date	Wednesday, October 3, 2012
ENN Meeting Location	Southside Library
Application Type	Variances
Land Use Staff	Heather L. Lamboy, AICP 
Other Staff	
Attendance	2 members of the public

Notes/Comments:

Ms. Lamboy started the meeting by explaining the purpose of the Early Neighborhood Notification (ENN) meeting, and encouraged those present to let the applicant know their concerns, if any, so they can be addressed. Ms. Lamboy also explained the reason for the requested variances, and how the Cerrillos Road Zone 4 zoning regulations came about. She explained how the regulations, if followed, would require a minimum 45-foot setback for the sign. Ms. Lamboy then introduced Ms. Dolores Vigil to provide the details of the project.

Ms. Vigil referenced the site plan and pointed out that the property line is approximately 80 feet from the edge of the Cerrillos Road pavement. She stated that if the sign were placed a minimum of 125 feet from the edge of the roadway, the business would not get the advertising and visibility that it needs.

Ms. Vigil pointed out the topography of the site, showing that the topography slopes away from Cerrillos Road. The proposed building will be approximately 180 feet from the edge of Cerrillos Road, and therefore Ashley Furniture is requesting to increase the overall height of the wall sign to 32 feet from grade. The overall height of the building will be within that allowed by the zoning district (45 feet).

Ms. Vigil then reviewed the landscaping plan, pointing out the plantings around the parking lots and adjacent to Cerrillos Road.

A neighbor asked whether any additional traffic lights are proposed. Ms. Vigil commented that she had not yet received comments from the City's Traffic Engineer, but preliminary review by the Civil engineer revealed that a traffic calculation would be necessary to determine required alterations associated with a new driveway to the south. The new driveway would be right in, right out only access. All traffic that would access the site coming from the east would turn left into the Horseman's Haven driveway and then make an immediate right into the Ashley parking lot. There is a dedicated easement on the Horsemen's Haven property for access to the subject property. Ms. Vigil pointed out that there should be no significant change to the existing traffic pattern.

A neighbor asked the square footage of the building and how many people would be employed at the store. Mr. Jeremy Dreskin, AIA, the architect, responded that the building would be approximately 29,000 square feet and that 30 people would likely be employed at the store. In response to a question about ownership, he commented that the owner is a franchisee and owns other stores in Albuquerque.

A neighbor asked whether some of the proposed landscaping would cover the free-standing signage. Ms. Vigil responded that the landscaping around the signs would be low so it would not block the signage.

In response to a question about the overall square footage, Ms. Vigil responded that Ashley furniture was asking for 182 square feet of signage, whereas 150 square feet is permitted by zoning. In response to a question, Mr. Dreskin commented that the lettering height on the wall sign will 2'6", and the letters will be back-lit. He pointed out that, due to the requirement that there be a total of 3 colors on the sign, with one matching the predominant color on the building, Ashley made a concession in the branding. Typically the background is a dark blue, however the proposed signs will have a brown background.

In response to questions from the audience, Ms. Lamboy discussed the fact that variances have been granted along this section of Cerrillos Road recently.

The meeting concluded at approximately 6pm.



City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet

Project Name: Ashley Furniture

Meeting Date: 10/3/12

Meeting Place: Southside Library

Meeting Time: 5:30 PM

Applicant or Representative Check Box below

	Name	Address	Email
<input checked="" type="checkbox"/>	1 <u>VERONICA I. VIGIL</u>	<u>PO Box 1835 SE, NM 87504</u>	<u>liaisonplanning@gmail.com</u>
<input type="checkbox"/>	2 <u>JEREMY DRESKIN</u>	<u>2101 MOUNTAIN RD.</u>	<u>jdreskin@studioswarch.com</u>
<input type="checkbox"/>	3 <u>DANIEL MASTERSON</u>	<u>4578 CAMINO ENTRADA S 87505</u>	<u>DANIEL MASTERSON@SANTAFEBMW.CC</u>
<input type="checkbox"/>	4 <u>TERI JOHNSON</u>	<u>4100 PAN AMERICAN FREEWAY</u>	<u>tjohnson@nmetc.org</u>
<input type="checkbox"/>	5 <u>JEFF SERRES</u>	<u>P.O. Box 9308 SF. 87504</u>	<u>jsrres@studioswarch.com</u>
<input type="checkbox"/>	6		
<input type="checkbox"/>	7		
<input type="checkbox"/>	8		
<input type="checkbox"/>	9		
<input type="checkbox"/>	10		
<input type="checkbox"/>	11		
<input type="checkbox"/>	12		

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Heather Hamby
Printed Name of City Staff in Attendance

[Signature]
Signature of City Staff in Attendance

10/3/12
Date

This sign-in sheet is public record and shall not be used for commercial purposes.



EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information	
Project Name:	Ashley Furniture
Address:	Lots 10,11,12,13 and Emblem Rd Tract
Parcel Size:	2.748
Zoning:	C2-PUD
Future Land Use:	Community Commercial
Pre-application Conference Date:	July 30, 2012
Detailed Project Description:	29,000 square foot furniture store

Property Owner Information	
Name:	Bill Johnston
Address:	7912 Pan Ammerican Freeway NE
Phone:	505-798-9400
E-mail Address:	billj@abqhomestores.com

Applicant/Agent Information (if different from owner):	
Name:	Dolores Vigil Liaison Planning Services Inc.
Address:	P.O. Box 1835 Santa Fe, NM 87504
Phone:	505-920-6839
E-mail Address:	liaisonplanning@gmail.com

Agent Authorization (if applicable):	
I am/We are the owner(s) and record title holder(s) of the property located at:	
I/We authorize Please see Attachment to act as my/our agent to execute this application.	
Signed:	Date:
Signed:	Date:

Proposed ENN Meeting Dates:		
Provide 2 options:	Preferred Option	Alternative
DATE:	October 3, 2012	
TIME:	5:30 PM	
LOCATION:	Southside Library	

August 31, 2012

Daniel Esquibel
Land Use Planner Senior
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

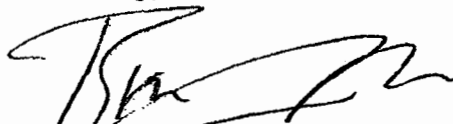
**Re: Lots 10, 11, 12, 13 & the Emblem Road Tract of the Emblem Subdivision,
on Cerrillos Road, south of Wagon Road, north of Governor Miles Road**

Dear Mr. Esquibel:

The purpose of this letter is to authorize Studio Southwest Architects Inc. and
Liaison Planning Services Inc. to act as our agents concerning our request for
variance.

Thank you for your assistance, we look forward to working with you and the Land
Use Department on this project.

Sincerely,



Bill Johnston

LIAISON Planning Services Inc.

Santa Fe, NM 87501 (505) 920-6839 liaisonplanning@gmail.com

June 18, 2012

Re: Early Neighborhood Notification Meeting
Lots 10,11,13 & The Emblem Rd. Tract of The Emblem Rd. Subdivision

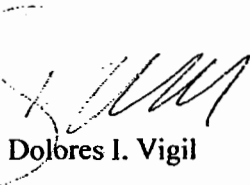
Dear Property Owner,

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification ordinance, this is to inform you that a meeting is scheduled for October 3, 2012 at 5:30 pm at the Southside Library located at 6599 Jaguar Drive, Santa Fe, NM. The applicant is requesting several variances to section 14-8.10.G-8 a,d&e regarding sign size, height and setbacks located within the Cerrillos Highway Corridor Protection District Zone 4 of the Santa Fe City Land Development Code. The property has not yet been assigned an address but is a vacant located north of the Santa Fe Auto Park South of Horseman's Haven Restaurant on Cerrillos Rd.

The Early Notification ordinance provides for an exchange of information between perspective applicants for development projects and the people who are neighbors to the project.

Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Dolores Vigil @ 505-920-6839.

Sincerely,



Dolores I. Vigil

Attachments:

Vicinity Map
Site Plan



ENN GUIDELINES

Applicant Information

Project Name: **Ashley Furniture**

Name: **Johnston**

Bill

Last

First

M.I.

Address: **7912 Pan American Freeway NE**

Street Address

Suite/Unit #

Albuquerque

NM

87109

City

State

ZIP Code

Phone: **(505) 798-9400**

E-mail Address:

billj@abqhomestores.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails. The property is located on a vacant lot north of the Santa Fe Auto Park and South of Horseman's Haven Restaurant and is within the Cerrillos Road Highway Corridor Protection District Zone 4 and is zoned C2-PUD. This request is for several variances to section 14-8.10.G-8 a,d&e of the City of Santa Fe Land Development Code regarding sign size, height and setback. We request a variance to these rules based on the criteria that unusual physical characteristics exist that distinguish the land from others in the vicinity based on the severe topography and proposed location of the building due to the topography.

The maximum size wall mounted building sign of 80 square feet is exceptionally small when considering the distance between Cerrillos Road and the location of the proposed building. We request to have 1 - 150 square foot sign on the building. This will make the text of the logo readable from the property line, as per ANSI Standards Table 703.2.4, and will provide patrons with legible location and way finding to the building from the existing driveway. The building is 180 feet from curb, plus 150 feet to the opposite side of the right-of-way, and more than 350 feet to the south bound left turn lane to the north of the property, where most of the local traffic will be entering. The building will be one story with an average setback of approximately 130' from Cerrillos Road. The building will not exceed the maximum allowable height. The code requires that wall mounted signs shall not exceed 25 feet in height. We request that the wall mounted sign would be 10' higher than the code allows, bringing the top of the wall mounted sign to 35 feet above grade at the building, for visibility. The finished floor and grade at the entrance of the proposed building is 7' or more below the road. The 35 foot height would be relatively the same height as allowed by code, if the finished floor elevation of the building was equal the elevation of the road.

Finally, City code requires that free standing signs meet the building set back requirements. The building set back is 45 feet from the property line. The property line is 85 feet from the curb. This would locate the monument sign 130 feet minimum from the closest traffic lane, and 7 feet below the road, not particularly visible to vehicular traffic. We would like the monument sign to be located at the west property line, closest to the right of way for visibility and safe way

finding for the patrons. Please find a site plan attached, locating possible monument signs

This request would not affect the character of the surrounding neighborhood because the property has physical characteristics that are unique and different than other properties in the vicinity because of its severe topography.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

The proposed development will protect the physical environment by consolidating the lots into one and developing the property for a single business. Drainage issues will be mitigated by providing on site ponding in accordance to City standards and regulations. The requested variances will not have an effect on the physical environment.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

The property will not impact any prehistoric, historic, archeological, or cultural sites and structures including acequias and is located outside of the historic downtown.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The property is zoned C2-PUD. The proposed development meets the Land Development Code governing the property and densities and use within the City General Plan.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: Increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The applicant proposes to provide adequate ingress and egress to meet the minimum requirements for developing along Cerrillos Road by meeting with the City's Traffic Engineer in order to mitigate any issues that may arise regarding traffic. The development will take into consideration access to public transportation along with public pedestrian access. No pedestrian trails are identified.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

The proposed furniture store will provide an economic base by providing employment to Santa Fe residents and the construction industry. It will also provide more selection for furniture buying in the Santa Fe area.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

The project is for a furniture store only. No residential component is proposed.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

The project will maximize the efficient use of existing public infrastructure and services. City water and sewer will be utilized. A fire hydrant is located along Cerrillos Road in front of the property, fire and police protection will be expected. All improvements required by the City will be adhered to.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

The applicant proposes to utilize all conservation measures as required by Code. It is expected that the furniture store will have very little impact on water supply.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

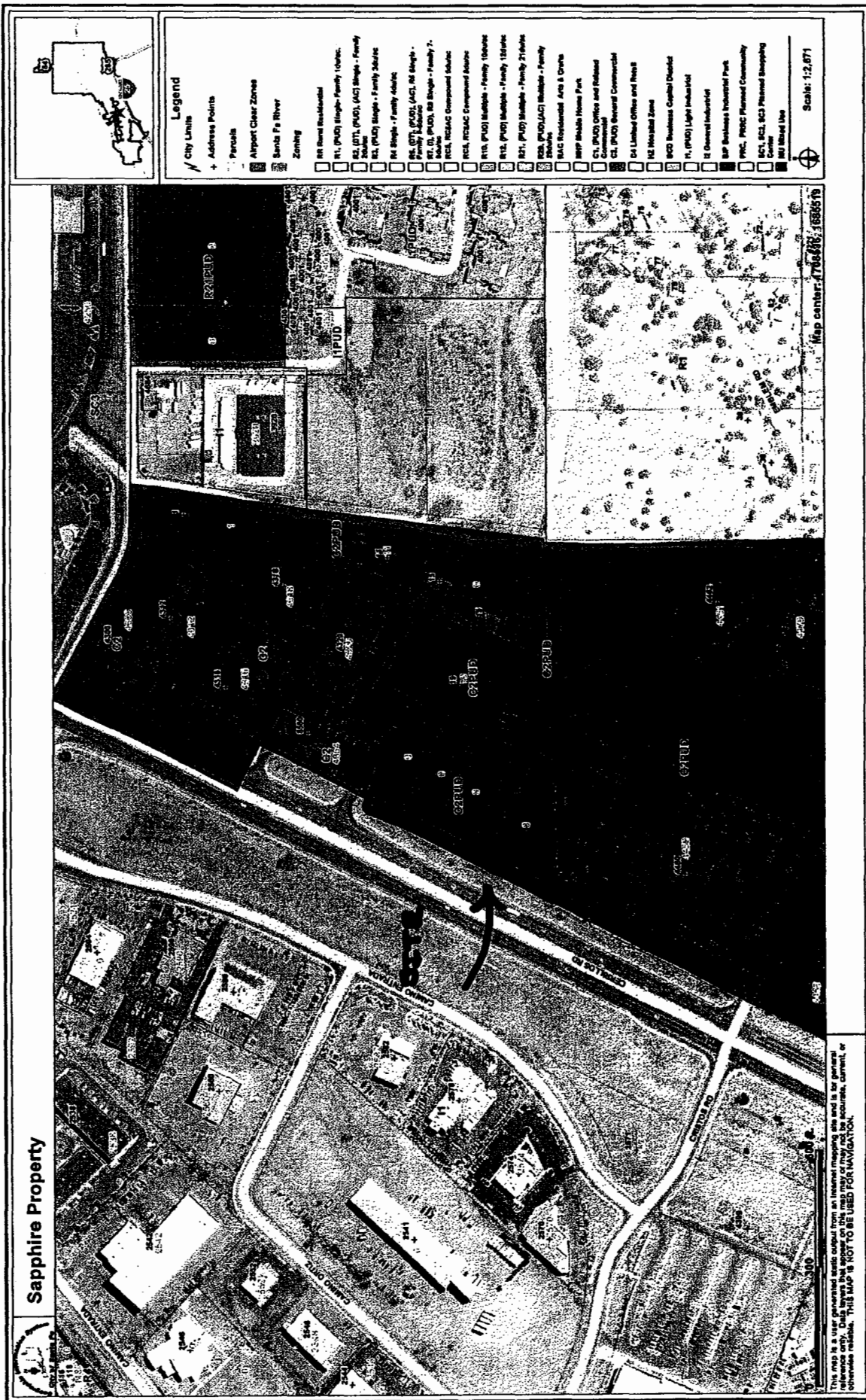
The project is located along Cerrillos Road where commercial uses are allowed. The proposed project will clearly improve the site and will be designed to easily integrate with surrounding developments. The applicant proposes to link up with the existing sidewalks and City improvements and design a site that compliments the streetscape to ensure compatibility with adjacent properties.

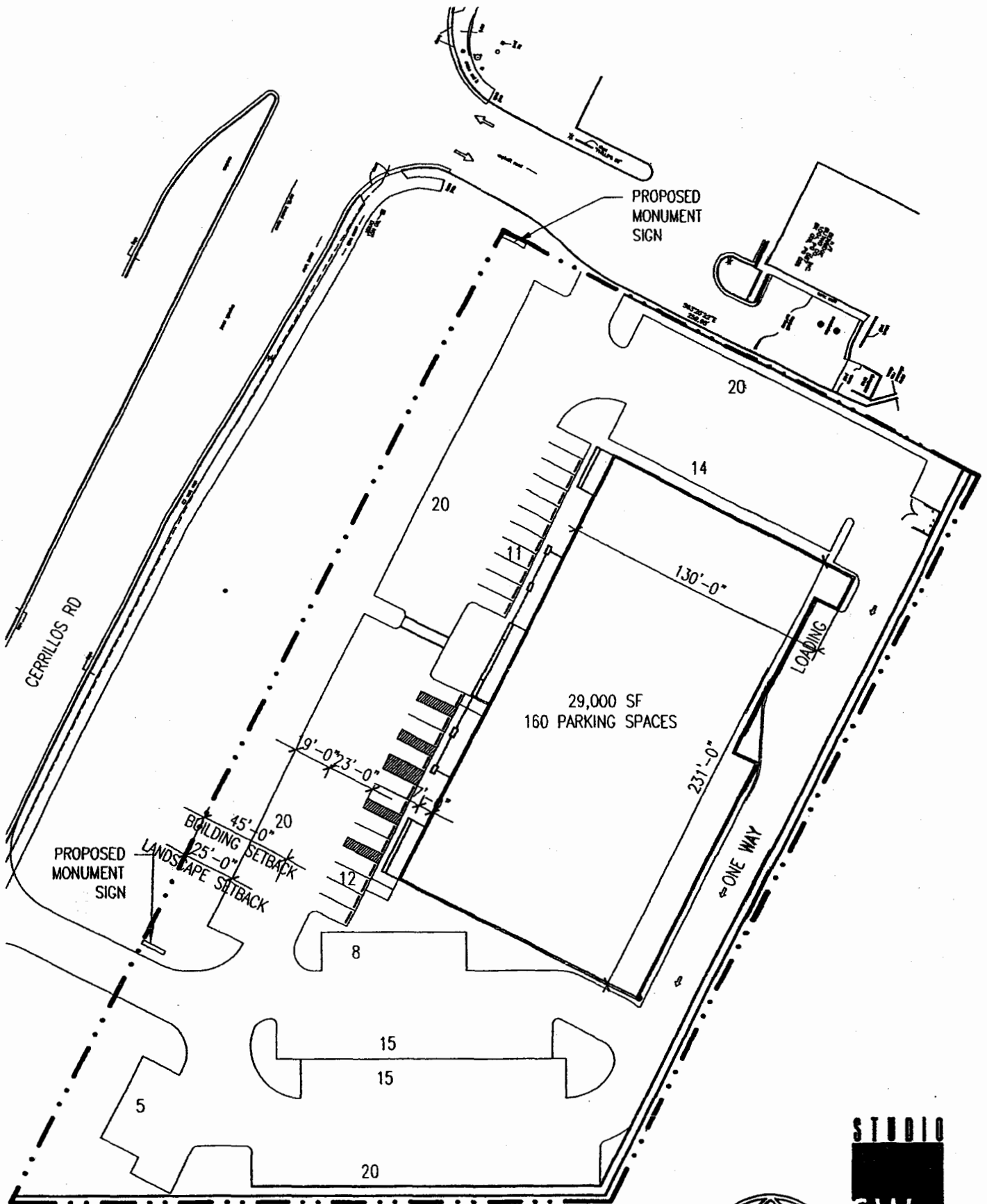
(k) EFFECT ON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate Infill development? Discuss the project's effect on Intra-city travel and between employment and residential centers.*

The property is zoned for the proposed use and is supported by the General Plan.

All intra-city travel will be from Cerrillos Road. Residential centers will not be affected. The property is surrounded by commercial uses; restaurant/gas station to the north, auto park to the south and a parking lot the east.

(l) ADDITIONAL COMMENTS (optional)





GENERAL NOTES

KEYED NOTES

STUDENTS

SW
ARCHITECTS

STUDIO 9 OUTREACH ARCHITECTS, INC.,
2161 Madison Rd., NW, Atlanta, GA 30309
404.243.2828 fax 404.243.2823
Web Site: www.studio9architects.com

SHAW-WALKER
—**SHAW-WALKER**

NOT FOR CONSTRUCTION

ASHLEY FURNITURE

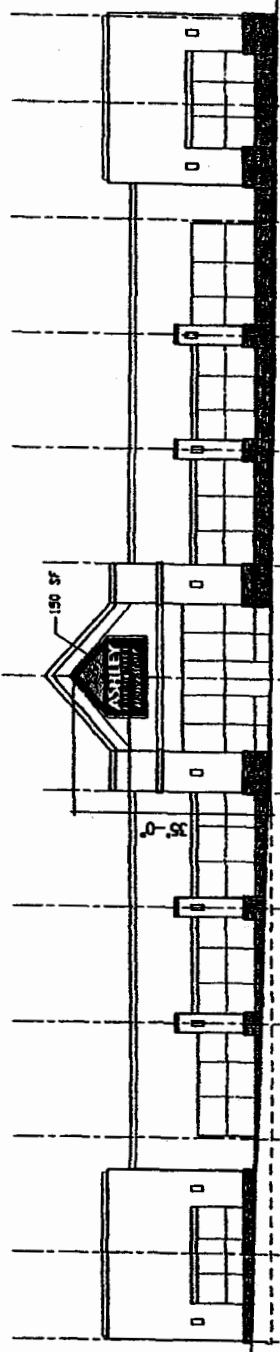
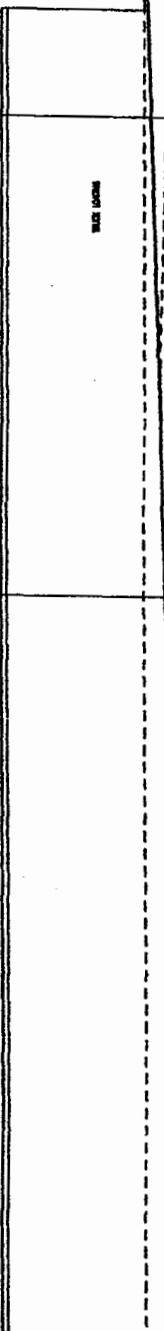
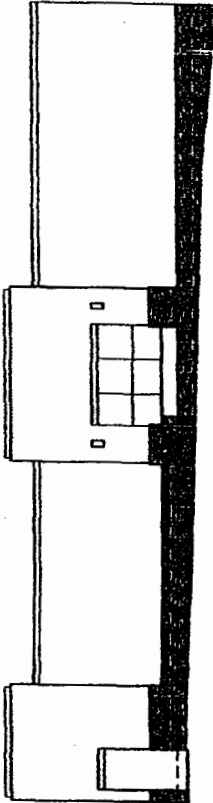
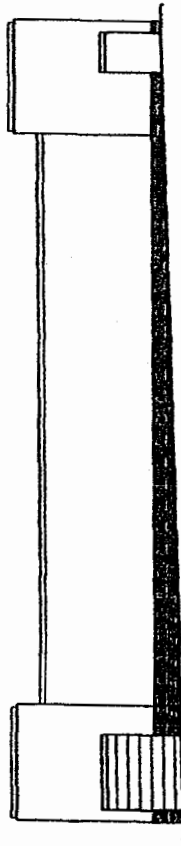
ERRILLOS ROAD
ANTA FE, NM

Plan

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

INTERIOR ELEVATIONS

A-201



February 05, 2013
Board of Adjustment
Case # 2012-126

**ASHLEY FURNITURE SIGN
VARIANCE**

EXHIBIT C

Vicinity Map

Vicinity Map

Ashley Furniture



Site

February 5, 2013
Board of Adjustment
Case # 2012-126
**ASHLEY FURNITURE SIGN
VARIANCE**

APPLICANT ATTACHMENTS

Applicant Data Attachments



STUDIO SW ARCHITECTS
1111 UNIVERSITY BLVD, SUITE 100
SANTA FE, NM 87505
TEL: 505.424.0000
WWW.STUDIOSWARCHITECTS.COM

DATE: 10/20/2015

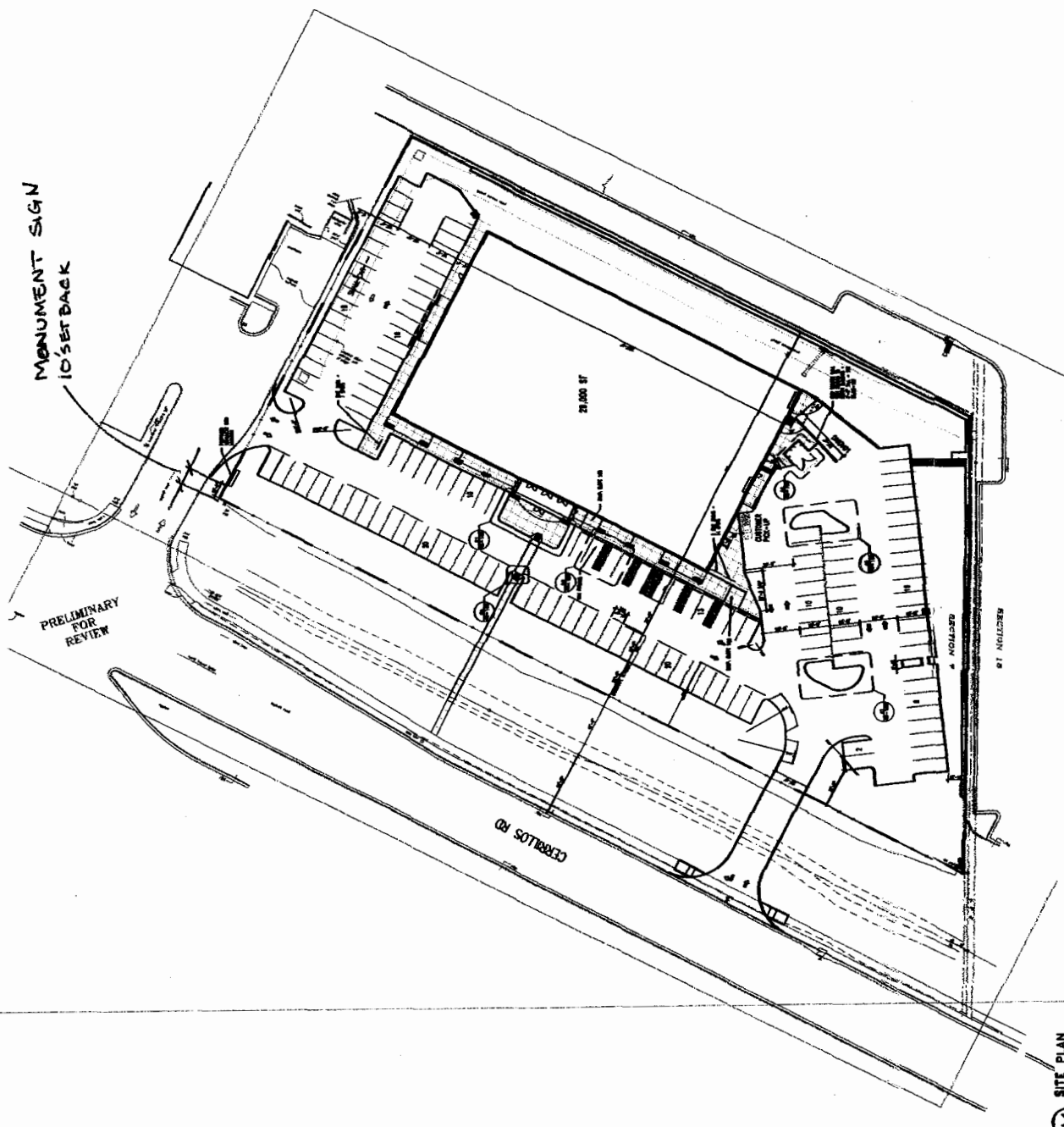
NOT FOR
CONSTRUCTION

ASHLEY FURNITURE
4440 CERRILLOS ROAD
SANTA FE, NM

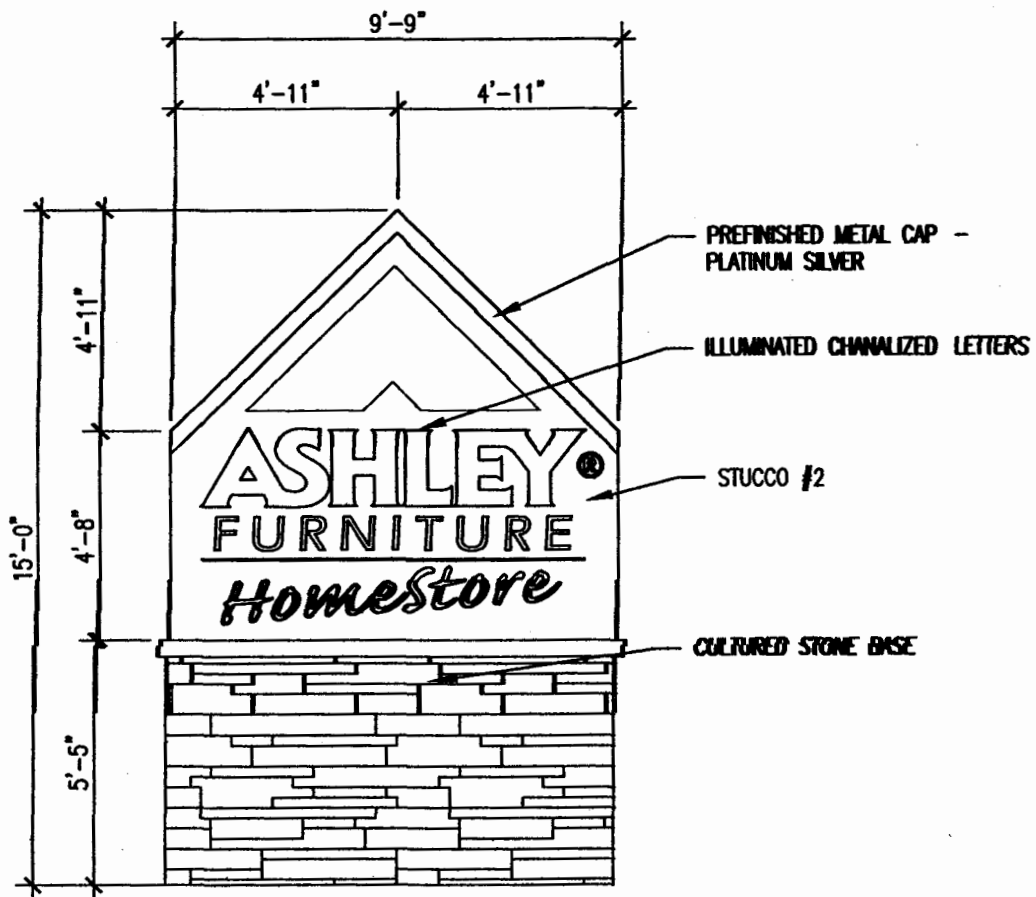
Map Path
10/20/2015

NO.	DATE	DESCRIPTION
1	10/20/2015	Site Plan
2	10/20/2015	Site Plan
3	10/20/2015	Site Plan
4	10/20/2015	Site Plan
5	10/20/2015	Site Plan
6	10/20/2015	Site Plan
7	10/20/2015	Site Plan
8	10/20/2015	Site Plan
9	10/20/2015	Site Plan
10	10/20/2015	Site Plan
11	10/20/2015	Site Plan
12	10/20/2015	Site Plan
13	10/20/2015	Site Plan
14	10/20/2015	Site Plan
15	10/20/2015	Site Plan
16	10/20/2015	Site Plan
17	10/20/2015	Site Plan
18	10/20/2015	Site Plan
19	10/20/2015	Site Plan
20	10/20/2015	Site Plan
21	10/20/2015	Site Plan
22	10/20/2015	Site Plan
23	10/20/2015	Site Plan
24	10/20/2015	Site Plan
25	10/20/2015	Site Plan
26	10/20/2015	Site Plan
27	10/20/2015	Site Plan
28	10/20/2015	Site Plan
29	10/20/2015	Site Plan
30	10/20/2015	Site Plan
31	10/20/2015	Site Plan
32	10/20/2015	Site Plan
33	10/20/2015	Site Plan
34	10/20/2015	Site Plan
35	10/20/2015	Site Plan
36	10/20/2015	Site Plan
37	10/20/2015	Site Plan
38	10/20/2015	Site Plan
39	10/20/2015	Site Plan
40	10/20/2015	Site Plan
41	10/20/2015	Site Plan
42	10/20/2015	Site Plan
43	10/20/2015	Site Plan
44	10/20/2015	Site Plan
45	10/20/2015	Site Plan
46	10/20/2015	Site Plan
47	10/20/2015	Site Plan
48	10/20/2015	Site Plan
49	10/20/2015	Site Plan
50	10/20/2015	Site Plan
51	10/20/2015	Site Plan
52	10/20/2015	Site Plan
53	10/20/2015	Site Plan
54	10/20/2015	Site Plan
55	10/20/2015	Site Plan
56	10/20/2015	Site Plan
57	10/20/2015	Site Plan
58	10/20/2015	Site Plan
59	10/20/2015	Site Plan
60	10/20/2015	Site Plan
61	10/20/2015	Site Plan
62	10/20/2015	Site Plan
63	10/20/2015	Site Plan
64	10/20/2015	Site Plan
65	10/20/2015	Site Plan
66	10/20/2015	Site Plan
67	10/20/2015	Site Plan
68	10/20/2015	Site Plan
69	10/20/2015	Site Plan
70	10/20/2015	Site Plan
71	10/20/2015	Site Plan
72	10/20/2015	Site Plan
73	10/20/2015	Site Plan
74	10/20/2015	Site Plan
75	10/20/2015	Site Plan
76	10/20/2015	Site Plan
77	10/20/2015	Site Plan
78	10/20/2015	Site Plan
79	10/20/2015	Site Plan
80	10/20/2015	Site Plan
81	10/20/2015	Site Plan
82	10/20/2015	Site Plan
83	10/20/2015	Site Plan
84	10/20/2015	Site Plan
85	10/20/2015	Site Plan
86	10/20/2015	Site Plan
87	10/20/2015	Site Plan
88	10/20/2015	Site Plan
89	10/20/2015	Site Plan
90	10/20/2015	Site Plan
91	10/20/2015	Site Plan
92	10/20/2015	Site Plan
93	10/20/2015	Site Plan
94	10/20/2015	Site Plan
95	10/20/2015	Site Plan
96	10/20/2015	Site Plan
97	10/20/2015	Site Plan
98	10/20/2015	Site Plan
99	10/20/2015	Site Plan
100	10/20/2015	Site Plan

AS-101



AI SITE PLAN



A2

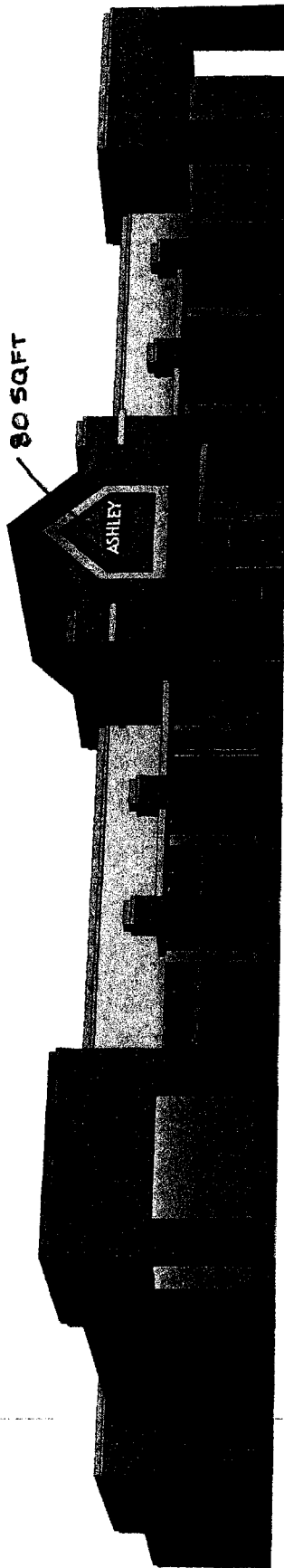
MONUMENT SIGN - BOTH SIDES

1" = 20'

70 SF

80 SQFT

ASHLEY



T.O. ROOF
39'-0"

BIRD CONTROL

80 SQFT SIGN

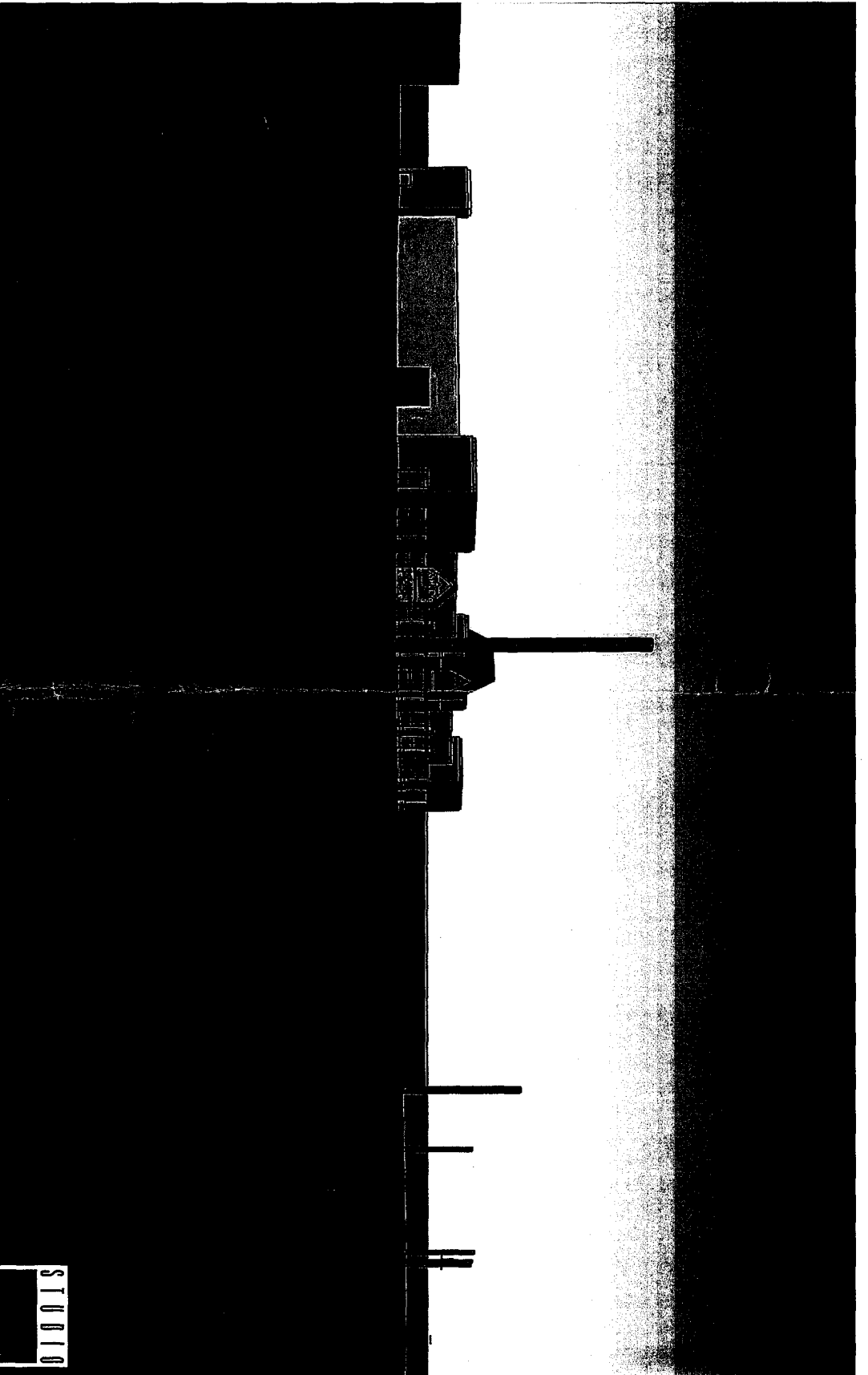
29'-5 15/16"

6'-4"

4'-7 1/4"

ASHLEY®
FURNITURE
Homestore

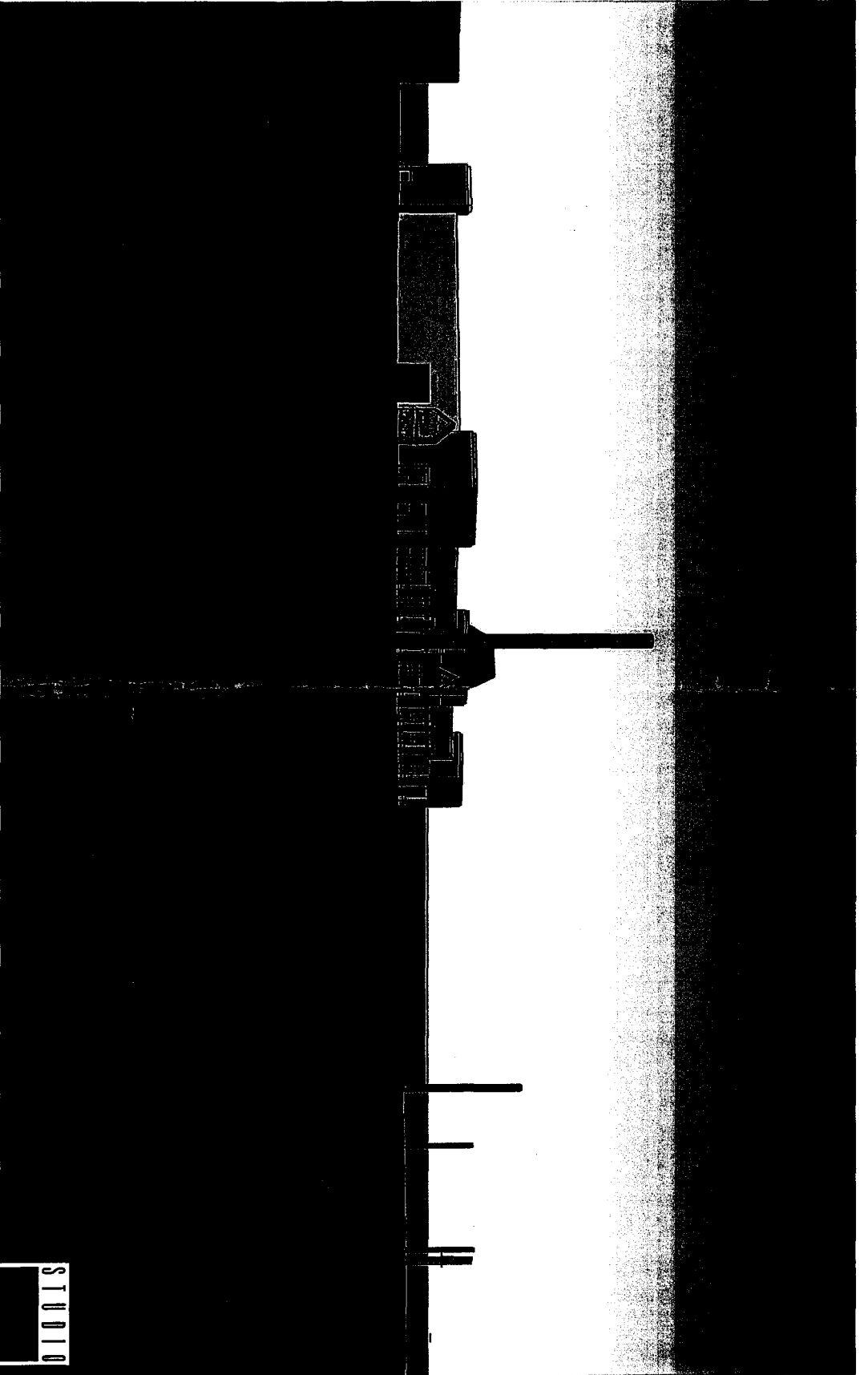
11'-1"



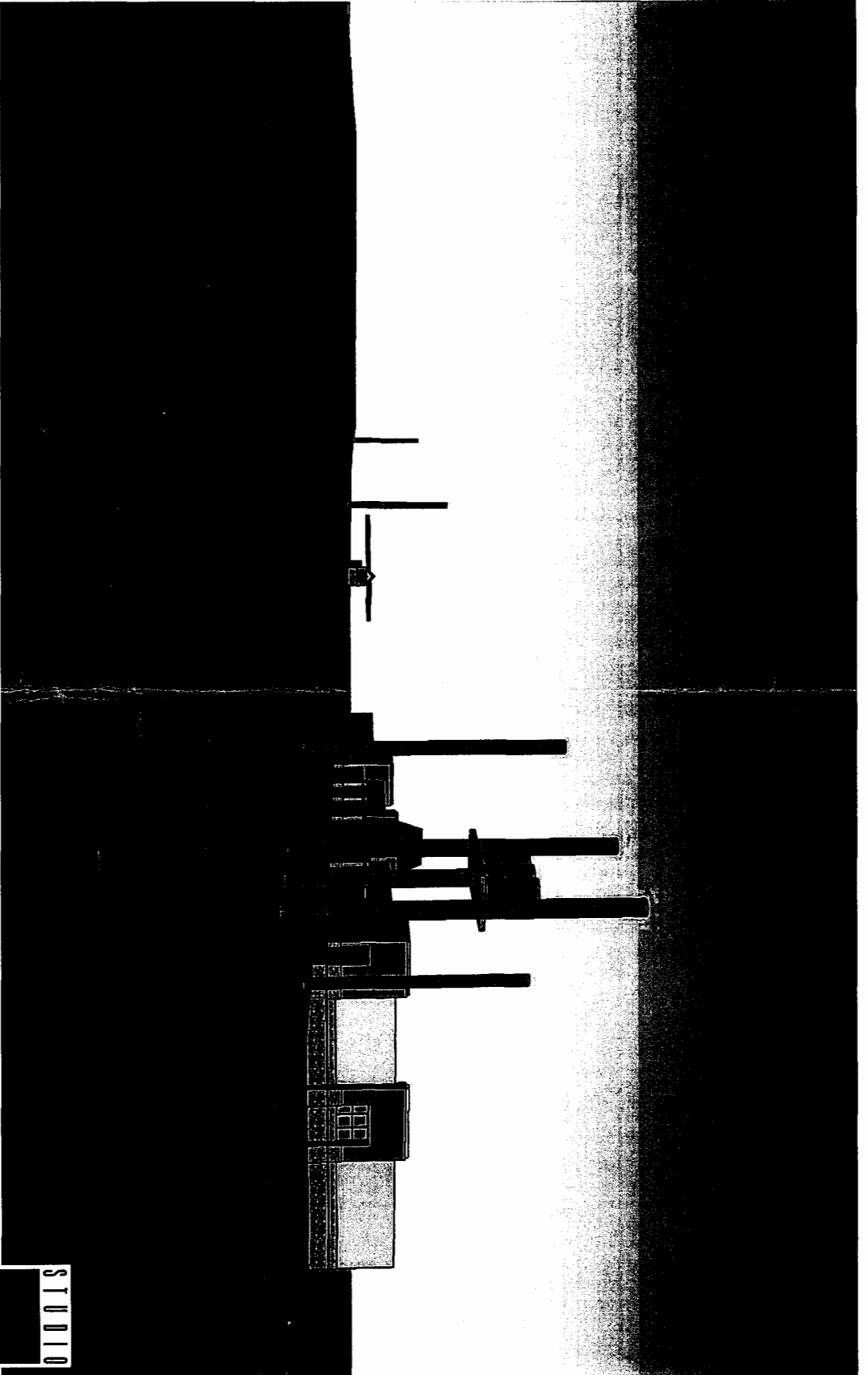
View from north approach

STUDIO
SW
ARCHITECTS

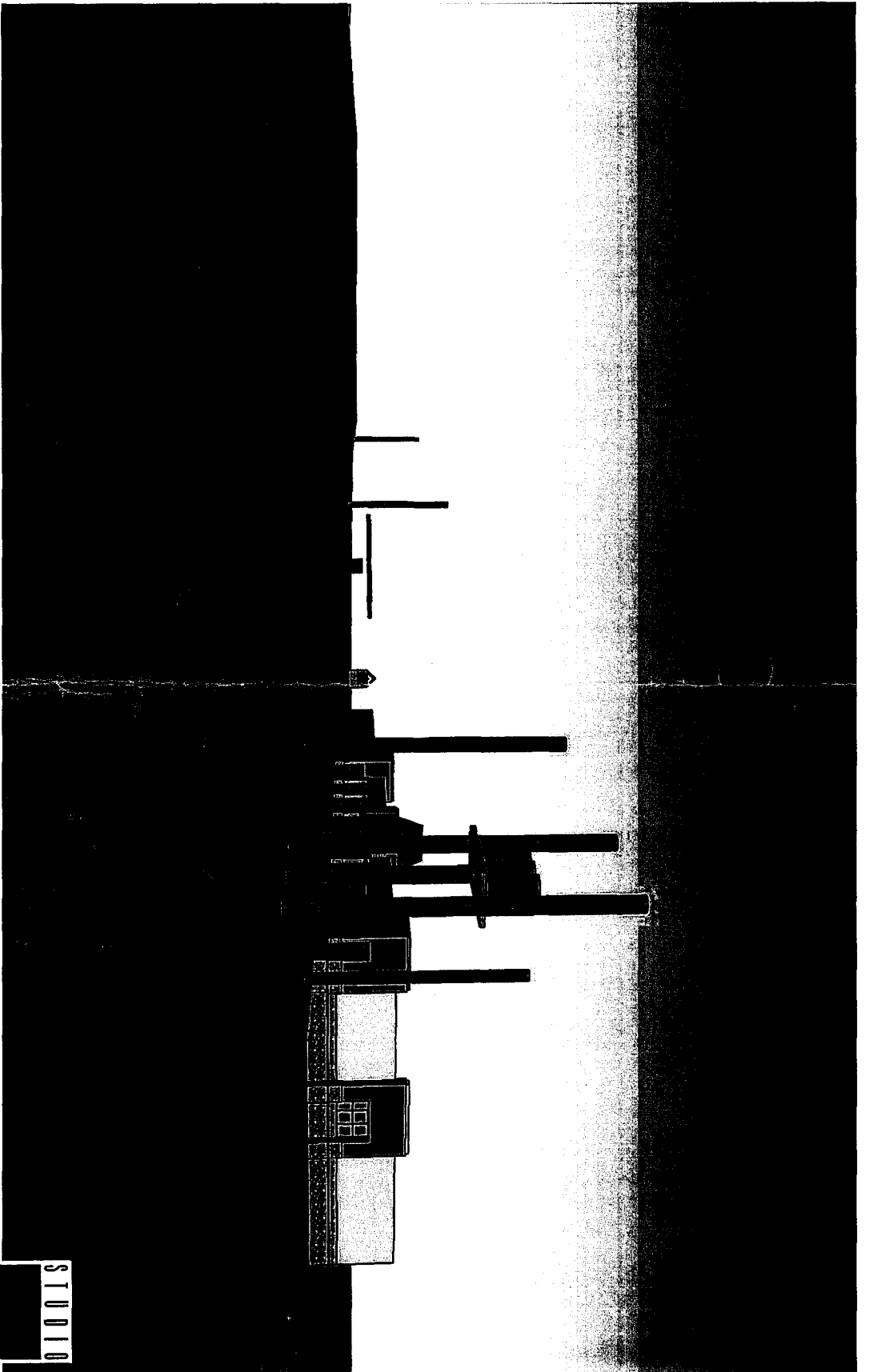
Exhibit "3"



View from north approach - NO VARIANCE



View from south approach



View from south approach - NO VARIANCE

