

December 07, 2006

**ITEM NO. 1 - C.B.C. 600 - NEW MATTERS**

Applicant: Jim B. Im, Owner  
Golden Beauty Supply  
Agent, Bryan P. Christian, Attorney at Law

Address: 2901 West 12<sup>th</sup> Street

Description: SW Corner of 12<sup>th</sup> Street and Woodrow Street

**ORDINANCE REQUIREMENTS:**

1. A perimeter planting strip is required along any side of a vehicular use area that abuts the public right-of-way. One (1) tree shall be planted for every seven hundred fifty (750) square feet of required landscape or buffer area with an average linear spacing of not less than thirty (30) feet. Three (3) shrubs or vines for every thirty (30) feet. Three (3) shrubs or vines for every thirty (30) feet shall be planted in the perimeter planting strip.
2. Dumpsters, loading docks, hvac units, external storage of materials, communications equipment and similar outside activities and appurtenances shall be screened from abutting properties and streets.
3. This site is located within the designated mature area of the city; however, this site is not meeting the minimum city requirements even with the reductions allowed by ordinance.

**VARIANCE REQUESTED:**

1. The elimination of the required landscaping along the street.
2. The elimination of the dumpster enclosure.
3. A reduction in the minimum city landscape ordinance requirements exceeding amount allowed at staff level.

**FINDINGS:**

The property in question is located at 2901 west 12<sup>th</sup> street, which houses Golden Beauty Supply. Prior to this beauty supply use, this site housed Chief Auto Parts. Upon relocating to this area the applicant upgraded/renovated the building to both meet the use needs and to meet minimal city requirements. These upgrade requirements included the addition of landscaping. The applicant complied by supplying the city with a landscape plan, installing the landscaping and dumpster enclosure, which allowed the applicant possession of a certificate of occupancy for the building; thus allowing the occupant to open for business. The applicant complied with all the minimum city requirements.

Unfortunately, the applicant had the landscaping on the site stolen. The assailant also stole the wood planks surrounding the dumpster. The applicant filed a police report and replaced the landscaping. Again, the material was stolen. Recently, the city cited the applicant for not maintaining the site per the approved landscape plan. Rather than continuing to replace the landscaping and the dumpster enclosure, the applicant has opted to request a written waiver from the City Beautiful Commission.

The location of the site is a commercial node for the area. This site is located within a stressed area of the city and the applicant feels his presence helps to stabilize the area and would like to remain. However, the applicant feels that continuing to replace the minimum required landscaping/dumpster enclosure is counter productive, costly, and will simply be stolen again. Therefore, the applicant is requesting permission to not be required to plant the site per the approved landscape plan and to not be required the dumpster enclosure.

**STAFF RECOMMENDATION:**

Although sympathetic to the applicant's situation, city staff cannot support a complete waiver of these minimum city requirements.