



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: September 12, 2017

CASE NUMBER: CUP-7-17

REQUEST: A Conditional Use Permit (CUP) to allow a temporary portable electronic sign for Centerstage Church.

LOCATION: The subject site is located at 550 S. Ironwood Drive, north of the northwest corner of S. Ironwood Drive and W. Broadway Avenue. Assessor parcel #101-09-111.

APPLICANT: Michael Bryce of Centerstage Church

PROPERTY OWNER: School District No. 43 of Pinal County AJ

**GENERAL PLAN/
ZONING DESIGNATION:** Designated "Public Institutional"; presently zoned B-1 (General Commercial).

SURROUNDING USES:

NORTH: Parking lots, zoned B-1;

SOUTH: Parking lots, zoned B-1;

EAST: Vacant Land, zoned B-1;

WEST: Former Superstition Mountain Elementary School (SMES) building currently used by Centerstage Church and other businesses, zoned PI (Public Institutional).

BACKGROUND

Centerstage Church is currently leasing a portion of the former Superstition Mountain Elementary School (SMES) building. The current monument sign for the school is not allowed to be moved or re-used at this time. The applicant is requesting to install

a temporary sign while the church is using the facility. It is unknown at this time if or when the school district will be selling the property.

PROPOSAL DESCRIPTION

This is a request by School District No. 43 of Pinal County AJ, represented by Michael Bryce of Centerstage Church, requesting approval of a Conditional Use Permit (CUP) for a temporary portable electronic sign at 550 S. Ironwood Drive, north of the northwest corner of S. Ironwood Drive and W. Broadway Avenue. The subject site for the sign is a parking lot parcel zoned General Commercial (B-1) that is used for the former SMES building currently being used by Centerstage Church and other businesses, the zoning of the school parcel is Public Institutional (PI).

The proposed sign will be placed on a trailer near the entrance of the parking lot, behind the current existing fence and will be perpendicular to the street. This request includes:

- Brick and vegetation surrounding the bottom of the trailer, to shield the trailer.
- An electronic sign engineered to be attached to the trailer.
- Sign total height of 10' 7".
- Trailer size of 16' in length by 7' in width.
- Maximum size signage will be 8' X 4.5' for a total of 36 square feet.
- 0' setback from the property line abutting Ironwood Drive.
- Electronic sign.
- Electrical work done underground to provide electricity to the sign.
- The portion of the existing fence in front of the sign will be covered with paneling.
- Existing Centerstage Church banner will be removed.

PLANNING STAFF ANALYSIS AND FINDINGS

Electronic changeable message signs are permitted in the city's sign code regulations subject to monument sign requirements. The height limit is 12-feet and the maximum size limit of the sign is 75 square feet. The request for a temporary portable

electronic sign requires a CUP as it is a modification to the to be placed is technically off-site of the building used by the church. The parking lots are separate parcels from the SMES building, the proposed sign is considered an off-site sign.

The request is a unique situation, the school district currently owns the school building and parking lot. It is unknown whether the school district is actively listing the property for sale. The current monument sign for the school is not allowed to be removed and only one monument sign is permitted per street frontage. An advisory ballot measure was approved in November of 2016 which allows the school district to sell the property. The school district is currently leasing the property to multiple business tenants.

The request is also proposing a 0-foot setback to the property line along Ironwood Drive. This will allow the sign/trailer to be placed up against the fence that is currently at the right-of-way line along Ironwood Drive and keep the sign/trailer from interfering with the existing sidewalk in the parking lot. This will still allow enough space to install brick and vegetation to shield the trailer.

The city's zoning ordinance, Section 1-16-12(D)(3) (attached), is the section that lists the criteria or findings for conditional use permits in general. The CUP criteria which the commission should consider in evaluating any CUP request and staff's commentary on said criteria relative to this request, for the commission's discussion and consideration. The proposal will not affect roadways or parking. The proposal will not contribute to negative impacts, the dark sky lighting ordinance has been discussed with applicant. The General Plan designates the area as Public Institutional (PI) with Community Commercial on the northwest corner of S. Ironwood Drive and W. Broadway Avenue. The property is in conformance with the General Plan and city policies upon approval of a CUP. The bottom portion of the sign will be screened from the right-of-way with paneling installed on the existing fence.

PUBLIC NOTIFICATION

The P&Z Commission public hearing was advertised in the paper 15 days prior to the meeting and letters were mailed to all property owners within 300 feet of the site. A sign was also posted at the property notifying any interested parties of the

CUP request and the public hearing date. Staff has not received any comments from the public regarding this case.

PLANNING DIVISION RECOMMENDATION

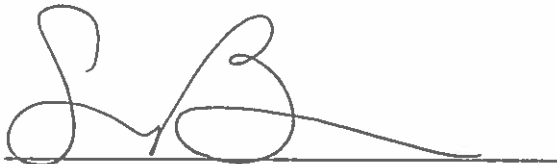
Staff believes that the proposed temporary portable electronic sign request is an improvement to the site. The electronic sign will replace an existing large banner hung on the fence. With the addition of bricks and vegetation, the trailer will be shielded, taking away the appearance that the sign is a temporary sign. The sign will be used temporarily while the church leases the property from the school. If the church buys the property they will be required to construct a permanent sign. If the school district sells to another entity the portable sign must be removed. Staff recommends approval of the proposal subject to the conditions listed under the Recommended Motion.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission (APPROVE/DENY) case CUP-7-17, a request by School District No. 43 of Pinal County AJ, represented by Michael Bryce of Centerstage Church, requesting approval of a Conditional Use Permit (CUP) for a temporary portable electronic sign at 550 S. Ironwood Drive, north of the northwest corner of S. Ironwood Drive and W. Broadway Avenue, zoned General Commercial (B-1), subject to the following conditions of approval:

1. The applicant shall construct the portable electronic sign in accordance with the submitted drawings within 12 months of the granting of the CUP, or else the CUP shall become void and the operation of the electronic sign shall comply with the city sign regulations regarding electronic signs.
2. The brick surrounding the trailer shall be painted in complementary colors to match the building.
3. All proper permits shall be obtained prior to any construction, including electrical permits.
4. The sign, trailer, brick and vegetation shall not interfere with the existing sidewalk in the parking lot.

5. The applicant shall install the trailer, sign, brick and vegetation in accordance with the approved plans submitted.
6. The applicant shall screen the trailer from view of Ironwood Drive with the approved fence material submitted.
7. When the portable sign is removed the original ground cover shall be replaced.
8. The temporary portable electronic sign CUP must be renewed every three years. A complete CUP application must be submitted to planning staff within 3 years from the effective date of the CUP.
9. If at such time Centerstage Church purchases the property from the school district, the church shall have one year to remove the school district monument sign and replace with a permanent monument sign pursuant to the current sign code. The temporary portable electronic sign must be removed at that time.
10. If the property is used by the school district or is sold to another party, the portable sign shall be removed within 30 days of lease termination.



Prepared by Stephanie Bubenheim
Assistant Planner

Attachments:

- Exhibit #1 - CUP-7-17 Application
- Exhibit #2 - CUP-7-17 Aerial Map
- Exhibit #3 - CUP-7-17 Zoning Map
- Exhibit #4 - Parcel Map #101-09
- Exhibit #5 - Site Plan
- Exhibit #6 - Electrical Plan
- Exhibit #7 - Trailer and Sign Information
- Exhibit #8 - Elevation Examples
- Exhibit #9 - Apache Junction City Code Section 1-11-9
- Exhibit #10 - Apache Junction City Code Section 1-16-12



City of Apache Junction
Development Services Department
Conditional Use Permit Application



EXHIBIT A: Planning and Zoning Application Form

SITE INFORMATION

SITE ADDRESS/LOCATION 550 S. Ironwood ASSESSORS PARCEL NO 101-09-111-0
GROSS AREA: _____ NET AREA _____ EXISTING ZONING B-1
LEGAL DESCRIPTION OF PROPERTY: (found on County Tax Bill Notices or Warranty Deed) _____

BRIEF DESCRIPTION OF THE PROPOSED PROJECT/USE FOR CONDITIONAL USE PERMIT REQUEST:

portable sign for church / theatre. face of sign will be video
0' setback from lot line. paneling the front portion of fence
8' X 4.5' sqft. sign.

APPLICANT INFORMATION

Property Owner(s) ATJUSD
Address 1575 W. Southfork, AZ 85120
Phone Number 480/982-1110 Fax Number _____ Email _____

Applicant Contact Person/Project Manager Michael Bryce
Address 550 S. Ironwood Dr. AZ 85120
Phone Number 602/216-9777 Fax Number _____ Email mbryce@centerstagechurch.org

Architect/Engineer _____
Address _____
Phone Number _____ Fax Number _____ Email _____

For Dept Use only	Case Number <u>CUP-7-17</u>
PLN Number <u>PLN2017-00050</u>	Date Submitted: <u>8/10/17</u>
Approved By: _____	Date Approved: _____

List all existing improvements/development on the property:

- smies school

- church

- theatre

- ball fields

X OWNERS SIGNATURE: Robert L. Anderson

DATE: 8/1/17

I/We certify that:

I/We are the owner(s) of the property described in this application for a Conditional Use Permit and have submitted copies of deeds or title reports as proof of ownership.

I/We have read the application instructions and have truthfully completed this application. I/We understand that this Permit is conditional upon time requirements, that the filing and investigation fee is non-refundable, and that the City has the option of either approval or denial of this request following conduct of a Public Hearing.

I/We, being the owner(s) of the property in this application, have appointed Michael Bryco as my/our representative agent. I/We have authorized him/her to do whatever is necessary to have this request considered favorably by the City of Apache Junction and agree that all correspondence relation to this matter should be delivered to him/her.

PLEASE PRINT

Property Owner Name

Street Address

City, State, Zip

Property Owner Name

Street Address

City, State, Zip

Agent Name

Street Address

City, State, Zip

Signature

Signature

Telephone

Signature

Telephone

STATE OF ARIZONA)

COUNTY OF PINAL)

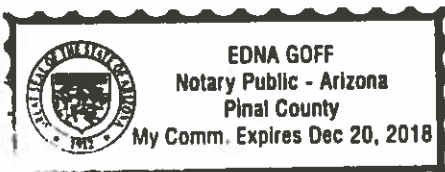
SS

The foregoing instrument was acknowledged before me this 24 day of August, 2017.

Notary Public

My Commission Expires:

Dec. 20, 2018





City of Apache Junction Aerial Exhibit CUP-7-17

LEGEND

- Subject Site
- Parcel

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.

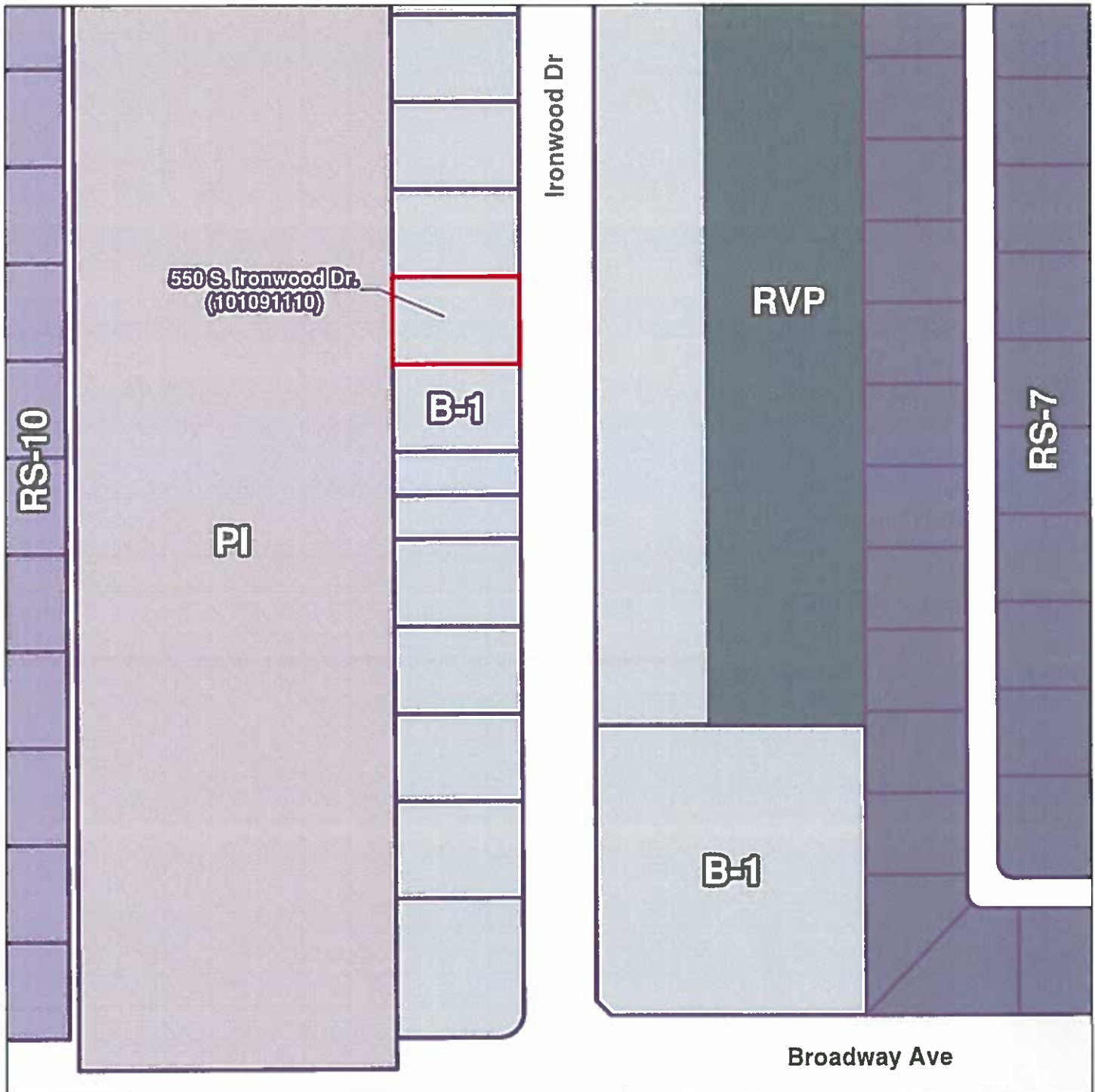


August 31, 2017

0 30 60 90 120 150 300 Feet



Created By Joseph Klier



City of Apache Junction

Zoning Exhibit

CUP-7-17

LEGEND

- Subject Site
- Parcel

Zoning

- | | |
|--|---|
| B-1 | RS-7 |
| PI | RVP |
| RS-10 | |

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.



August 31, 2017

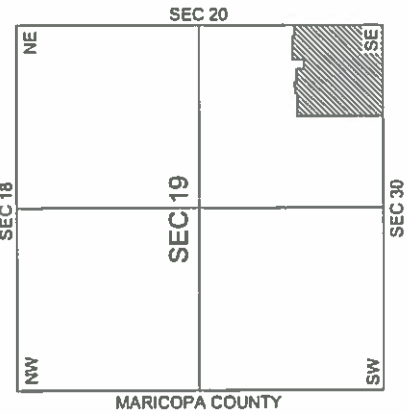
0 30 60 90 120 150 300 Feet

Created By Joseph Klier

SEC. 19 SE SE, TN.1N RG.8E

THIS MAP IS FOR VALUATION PURPOSES ONLY.
THIS OFFICE WILL NOT ASSUME LIABILITY FOR
REPRESENTATION, MEASUREMENTS OR ACREAGE
SURVEYS & SUBDIVISION PLATS ARE ON FILE
WITH THE PINAL COUNTY RECORDER'S OFFICE

VICINITY MAP

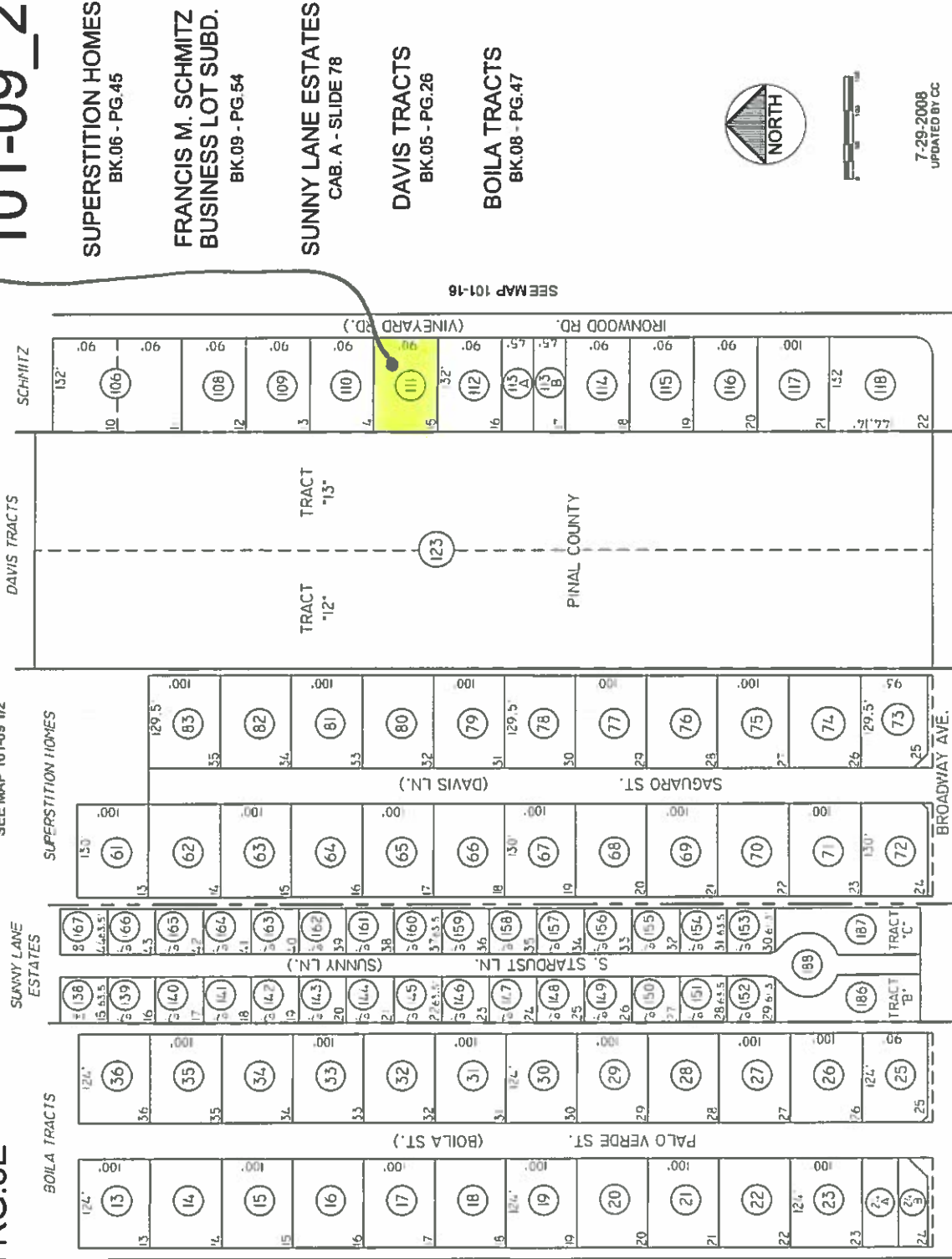


SEE MAP 101-10 212

101-09_2

Subject Site

SEE MAP 101-09 112



SEE MAP 101-16

SEE BOOK 102

PINAL COUNTY ASSESSORS MAP

7-29-2008
UPDATED BY CC

← N

Site Plan

Ironwood Dr.

→

Broadway

Street Lights

property line

steel fence 6' high

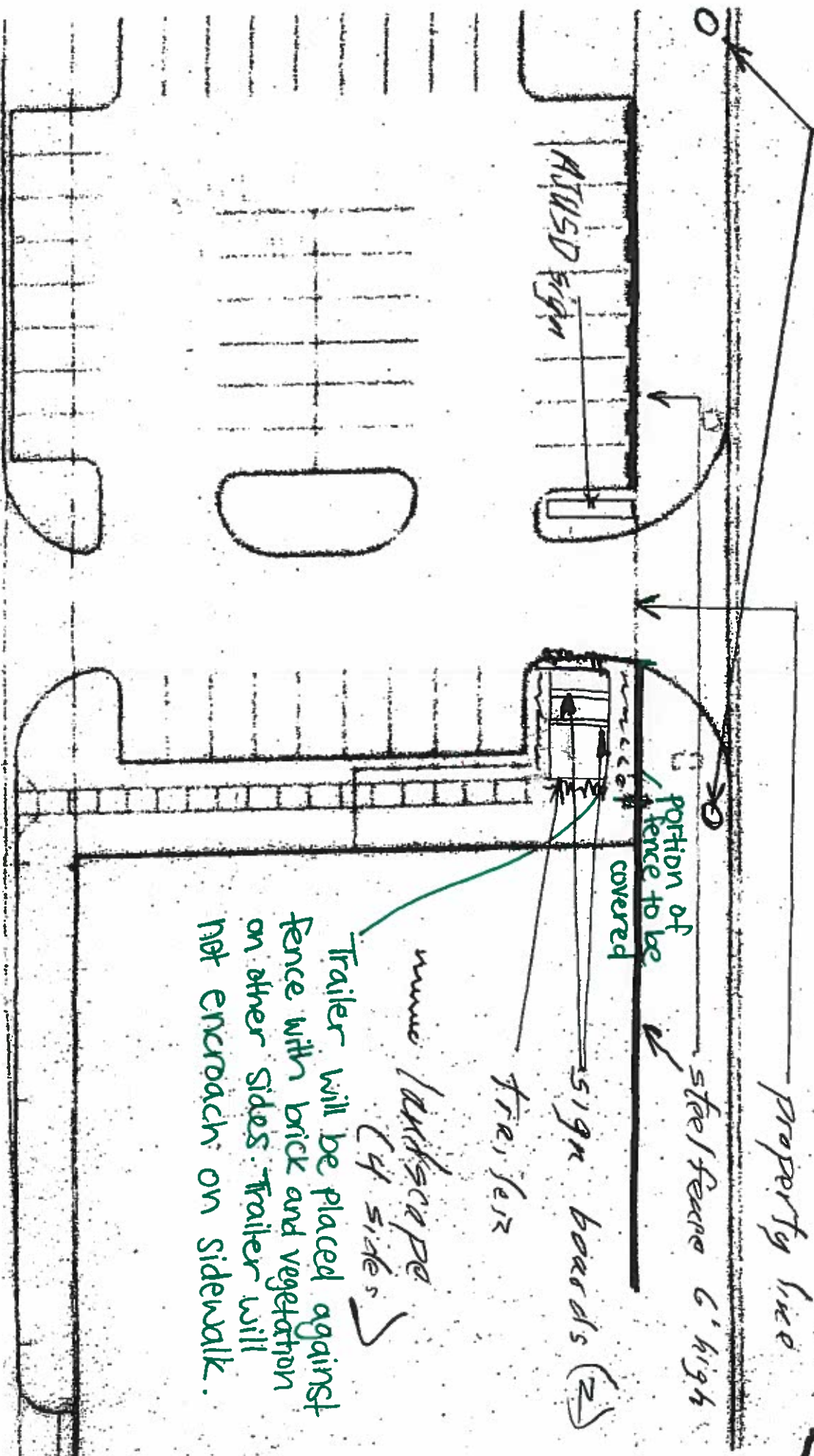
portion of fence to be covered

sign boards (2)

trailer

new landscape (4 sides)

Trailer will be placed against fence with brick and vegetation on other sides. Trailer will not encroach on sidewalk.



Ironwood Dr.

Electrical
Plan

Existing Fence

Existing Wall

EXISTING
PARKING LOT

WP - Wall Penetration

T - Trench

WJ - Water Jet

Ju - Junction Box

A - 9 ft Rise Existing Breaker

B - ~ 4 ft Drop to Box

2 Conduits side by side

$\frac{3}{4}$ " - 2x120V circuits

$\frac{1}{2}$ " - CAT5

Share divided Ju

EXISTING
PARKING LOT

75'

T

Existing Sidewalk

6'6" WJ

Existing

30'

T

Existing Sidewalk

Ju

WJ

Alley

T

80'

Existing Curbs

Ju

T

Asphalt

25'

8'

12'

4'

28'

Existing Sidewalk

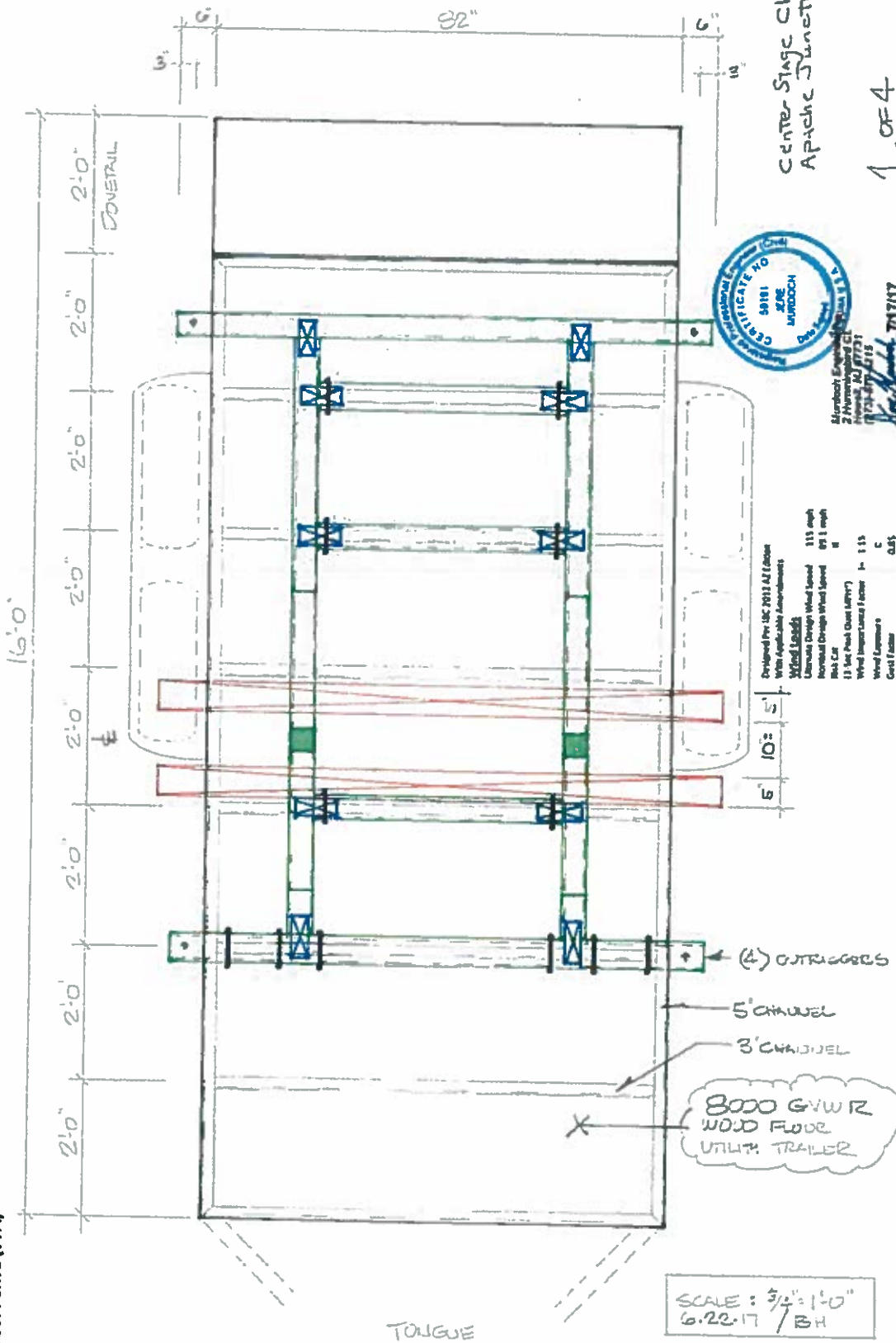
EXISTING
OFFICE
BUILDING

WP

B

Existing Sidewalk

ENGINEER'S NOTE:
 PROVIDE A MINIMUM 24" X 34" OUTRIGGER PAD UNDER
 ALL SUPPORTS (TYP.)



Center Stage Church
 Apache Junction, AZ

1 OF 4

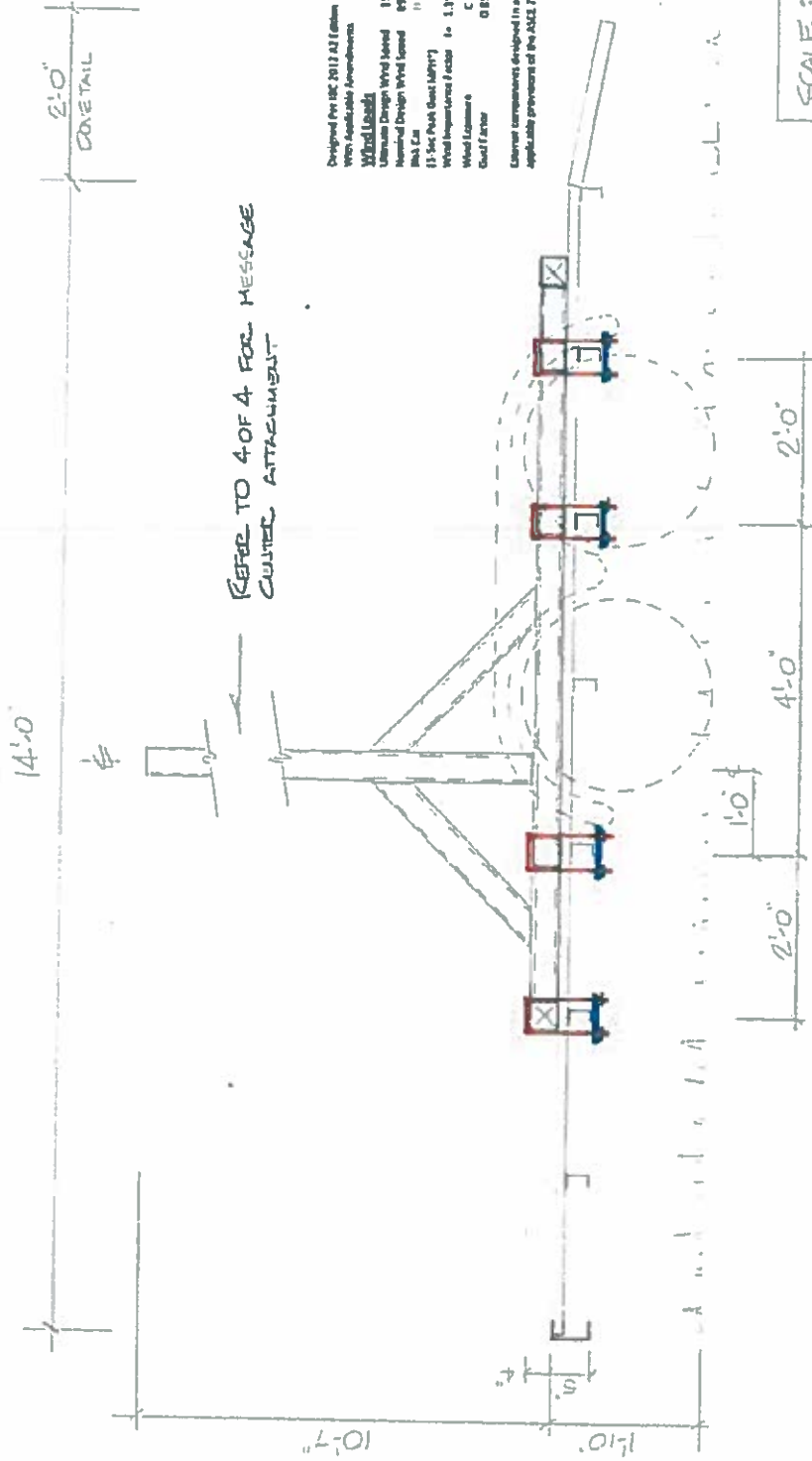
Matthew E. Brown
 Professional Engineer
 License No. 59181
 State of Arizona
 Date: 6/22/17

Designed Per: IBC 2012 ASCE 7
 With Applicable Amendments

Wind Loads	115 mph
Ultimate Design Wind Speed	115 mph
Service Design Wind Speed	85 mph
Peak Gust (MPH)	115
Wind Import Load Factor	1.0
Wind Exposure	C
Gust Factor	0.85

Carrier Components Designed in Accordance with applicable provisions of the ASCE 7-10

ENGINEER'S NOTE:
 PROVIDE A MINIMUM 24" X 24" OUTRIGGER PAD UNDER
 ALL SUPPORTS (TYP.)



REFER TO 4 OF 4 FOR MESSAGE
 CUTTED ATTACHMENT



Designed Per IRC 2012 A2 (Edition
 With Applicable Amendments)
Wind Loads
 Ultimate Design Wind Speed 115 mph
 Nominal Design Wind Speed 89.1 mph
 Risk Category II
 (1- Sec Peak Gust Mapped)
 Wind Importance Factor 1.15
 Wind Exposure Category C
 Gust Factor 0.85

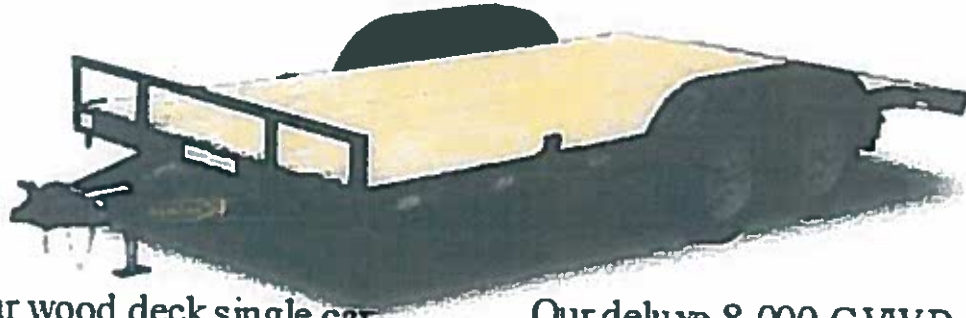
Carrier components designed in accordance with
 applicable provisions of the AISI S100

SCALE: 3/4" = 1'-0"
 6.23.17 / BH

2 OF 4

8,000 GVWR Wood Floor Utility Trailer STANDARD or DELUXE

available in 16ft.-20ft.



Our wood deck single car utility trailers are constructed with a 5" channel frame, and 4" channel full length wrap-around tongue. This model upgrades to 4K axles with larger 225/15 LRD bias tires. Standard features include a fixed 2 5/16" A-frame coupler, swing up jack, tear drop fenders, stake pockets, and pressure treated wood flooring. A standard dovetail with slide in loading ramps makes loading your car or garden equipment a breeze on this utility trailer.

Our deluxe 8,000 GVWR wood floor utility trailer trailers are constructed with a 5" channel frame, and 4" channel full length wrap-around tongue with channel cross members. The running gear upgrades to 4K axles, with four-wheel brakes, and 225/75 R15 LRD RADIAL tires. Standard features include a fixed 2 5/16" A-frame coupler, swing up jack, tear drop fenders, and dovetail with slide-in loading ramps. **A sealed modular wiring harness with lifetime LED rubber mounted lights plus rub rail on the stake pockets give added value to this deluxe utility trailer.**

Specifications are subject to change without notice as we seek to constantly improve our product.

8,000 GVWR Wood Floor Utility Trailer

STANDARD

or

DELUXE

5 in channel frame,
with 3 in. channel
crossmembers 24"o.c.



5 in channel frame,
with 3 in. channel
crossmembers 24"o.c.



BOTH HAVE
4 in. Channel wrap around Tongue



approx. 42"
tongue



Specifications are subject to change without notice as we
seek to constantly improve our product.

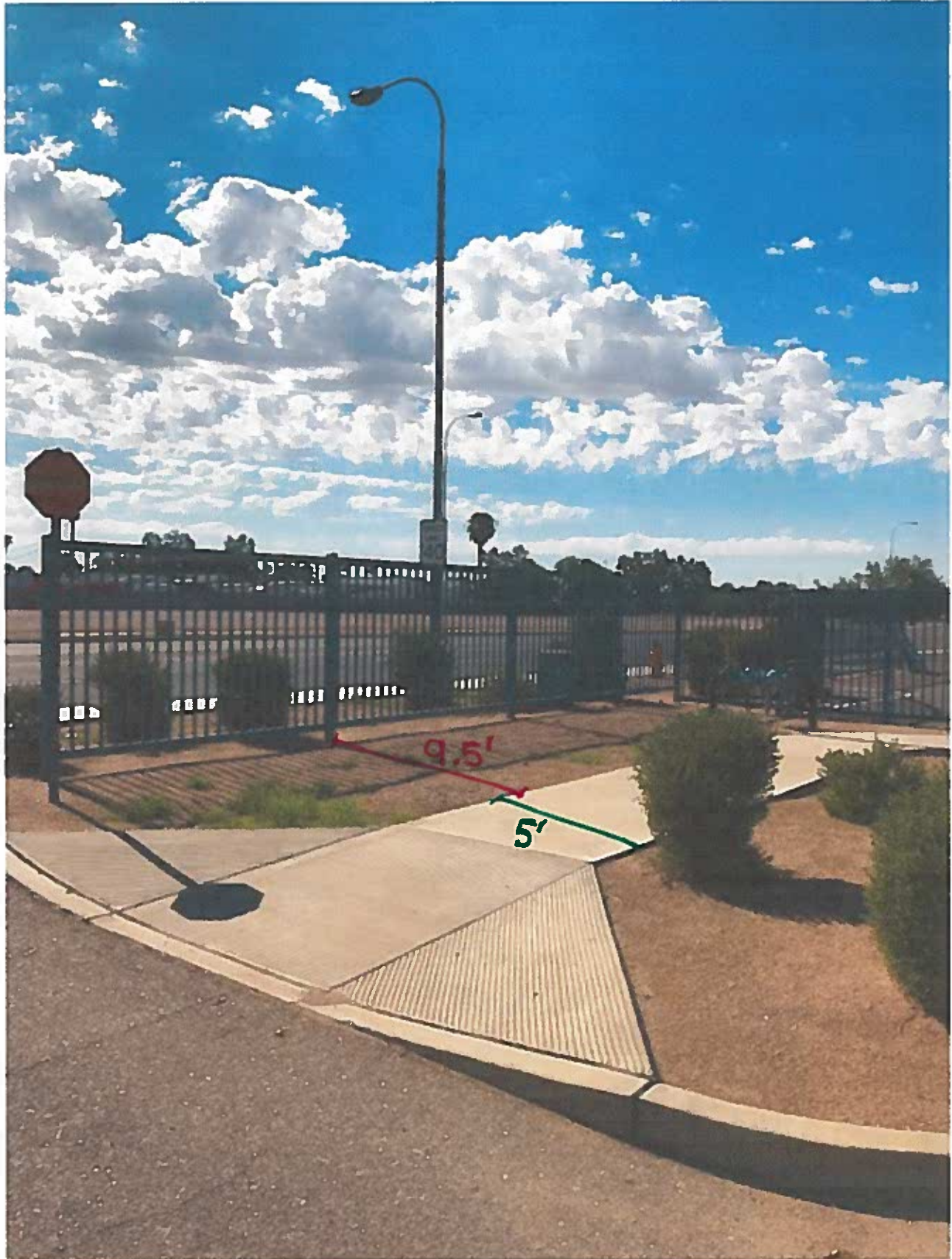
Elevation

10' 7"



Ironwood Dr. Looking SW

Elevation



Parking lot looking SE

Print

Apache Junction, AZ Land Development Code

§ 1-11-9 SPECIAL SIGN REGULATIONS.

(A) *Manual changeable message signs.*

- (1) *Maximum size.* Fifty percent (50%) of the maximum size allowed for the freestanding/monument sign.
- (2) *Maximum height.* In accordance with allowed freestanding/monument signs.
- (3) *Maximum quantity.* One changeable message sign per property to be incorporated into the permitted freestanding/monument sign.
- (4) *Location.* Minimum 5 foot front, side and rear setback. The freestanding sign setback shall also comply with the city's intersection visibility requirements in Vol. II, § 1-6-13.
- (5) *Zoning districts where allowed.* All non-residential zoning districts.
- (6) *Design.* The changeable letter sign shall be incorporated into a decorative monument base.
- (7) *Commercial message content.* The commercial message displayed on the sign shall directly relate to the business or businesses conducted on-site.
- (8) *Illumination.* Signs may be illuminated.
- (9) *Permit required.* AUP.

(B) *Electronic changeable message signs.*

- (1) *Maximum size.* Fifty percent (50%) of the maximum size allowed for the freestanding/monument sign.
- (2) *Maximum height.* In accordance with allowed freestanding/monument signs.
- (3) *Maximum quantity.* One changeable electronic message sign per property to be incorporated into the permitted freestanding/monument sign.
- (4) *Location.* Minimum 5 foot front, side and rear setback. The freestanding sign setback shall also comply with the city's intersection visibility requirements in Vol. II, § 1-6-13.
- (5) *Zoning districts where allowed.* All non-residential zoning districts.
- (6) *Display.* Displays may use full color and animation, however, no flashing, rotating or strobe effects shall be allowed.
- (7) *Design.* The digital sign shall be incorporated into a decorative monument base.
- (8) *Minimum display time.* Static images shall last for at least 5 seconds before transitioning to another static message.

(9) *Transition method and duration.* Such electronic message sign shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, travel, scroll or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once. The transition duration between messages shall not exceed 1 second.

(10) *Commercial message content.* The commercial message displayed on the electronic/digital sign shall directly relate to the business or businesses conducted on-site.

(11) *Illumination levels.*

(a) All electronic message signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

(b) No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the product of the sign area and 100. Example using a 12 square foot sign:

Light Meter Measurement Distance = Square Root of $(12 \text{ sf} \times 100) = 34.6 \text{ feet}$.

(12) *Permit required.* AUP.

(C) *Political and campaign signs.*

(1) *Maximum size.* Sixteen square feet on residentially zoned property and 32 square feet on non-residentially zoned property and city rights-of-way.

(2) *Maximum height.* Six feet.

(3) *Maximum quantity.* No limit.

(4) *Location.* Political signs placed in public rights-of-way shall not be hazardous to public safety, obstruct clear vision in the area or interfere with the requirements of the Americans with Disabilities Act, as determined by the City Engineer.

(a) If the City Engineer deems that the placement of a political sign constitutes an emergency, city representatives may immediately relocate the sign. The city shall notify the candidate or campaign committee that placed the sign within 24 hours after the relocation.

(b) If a sign is placed in violation of this section and the placement is not deemed to constitute an emergency, the city may notify the candidate or campaign committee that installed the sign. If the sign remains in violation at least 24 hours after the city notified the candidate or campaign committee, the city may remove the sign and shall contact the candidate or campaign committee to retrieve the sign within 10 business days. After such time, the signs may be disposed of as the city deems fit.

(5) *Zoning districts where allowed.* All zoning districts.

(6) *Display period.* Political signs may be posted any time before a primary election, but must be removed within 15 calendar days after a primary election for candidates who do not advance to the general election. All candidate signs must be removed within 15 days after the general election.

Print

Apache Junction, AZ Land Development Code

§ 1-16-12 CONDITIONAL USE PERMITS, ADMINISTRATIVE USE PERMITS AND BUILDING PERMITS.

(A) *Authorization and applicability.* It shall be unlawful to erect, construct, reconstruct, alter or change the structure, land and/or use of any property within the city without first obtaining the required building permit, administrative use permit, and/or conditional use permit from the Development Services Department.

(B) *Building permits.* The City of Apache Junction Building Official and the city's adopted building codes establish the requirements and procedures for building permits.

(C) *Administrative use permits.* An Administrative Use Permit ("AUP") may be approved by the Zoning Administrator following review of the application and a finding that the use and/or structure complies with specific standards specified for such use and/or structure in the Zoning Code. Uses and/or structures requiring approval of an AUP, along with permit approval criteria, are identified in Tables 5-1 and 5-3 (see Vol. II, §§ 1-5-1 and 1-5-3).

(D) *Conditional use permits.* Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual Planning and Zoning Commission review and Conditional Use Permit ("CUP") approval of their location, design, operation and configuration along with the imposition of conditions in order to ensure the appropriateness of the use at a particular location. Uses requiring a CUP are identified in Tables 5-1 and 5-3 (see Vol. II, §§ 1-5-1 and 1-5-3). The CUP application and process requirements are as follows:

(1) *CUP application.* An application for a CUP shall be filed with the Development Services Department in accordance with the "City of Apache Junction Conditional Use Permit Application Checklist" available at the Development Services Department.

(2) *CUP public hearing and notice.* The Commission shall hold a public hearing on any proposed CUP or CUP amendment, and provide the following notice. The failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the Commission or Council.

(a) *Newspaper publication.* Notice of the time, date and place of the hearing, including a general description of the matter to be considered and a general description of the area affected, shall be published in a newspaper of general circulation that is published or circulated in the community. The publication notice shall be at least 15 calendar days before the hearing, and shall be published as required by A.R.S. § 9-462.04, as amended.

(b) *Property posting.* The notice of public hearing shall be posted by the applicant in accordance with the instructions provided in the application form.

(c) *Mailing notice.* The city shall notice by first class mail each real property owner, as shown on the last assessment of the property, within 300 feet of the property subject to the CUP proposal.

(3) *Findings.* A CUP may be granted upon a finding by the Commission that the use covered by the permit, the manner of its conduct, and any structure involved will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood, or to the public welfare in general. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. In arriving at the above determination, the Commission shall consider but not be limited to the following factors:

- (a) Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use;
- (b) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare;
- (c) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values;
- (d) Compatibility with surrounding uses and structures;
- (e) Conformance with the General Plan and city policies;
- (f) Screening and buffering of uses; and
- (g) Unique nature of the property, use and/or development's physical characteristics.

(4) *CUP modification of dimensional zoning standards.* When a proposed development exhibits unique characteristics related to land, topography, architectural style, scale, historical interest or other distinguishing feature that necessitates a measure of regulatory relief, CUP modification of certain dimensional zoning standards may be approved by the Commission in accordance with the findings described above in Vol. II, § 1-16-12(D)(3). The following dimensional zoning standards may be subject to this type of modification:

(a) *Accessory dwelling units.* Accessory dwelling unit size and height standards required in Vol. II, § 1-6-19 of this Chapter may be modified.

(b) *Accessory structures.* Accessory structure size, height, design and setback standards required in Vol. II, § 1-6-5 may be modified.

(c) *Landscaping.* Landscaping size, type, amount and location standards required in Vol. II, Article 1-8 may be modified.

(d) *Signs.* Sign size, type, amount and location standards required in Vol. II, Article 1-11 may be modified.

(5) *Expiration.* CUPs granted by the Commission shall be void if the use is not commenced within 12 months of the approval date or within the time stipulated by the Commission.

(6) *Revocation.* An approved CUP may be revoked by the Commission following public hearing and a finding that there has been material noncompliance with any condition prescribed in the permit and/or the use generates a demonstrated public safety, health or welfare concern.

(7) *Appeal and City Council review.* The approval or denial of a CUP by the Commission shall be final unless, within 20 calendar days from the date of the Commission's decision, the applicant or any persons aggrieved by the decision appeals the decision to the Council. The appeal shall be in writing, filed with the Development Services Department, and shall indicate

how the Commission was in error. The appeal shall be accompanied by a fee equal to 50% of the original filing fee. The appeal shall require a Council public hearing and notification provided in the same manner as required for the Planning and Zoning Commission hearing. The Council, at its public hearing, shall uphold, modify or overrule the decision of the Commission. The decision of the Council shall be final.

(Ord. 1402, passed 5-6-2014)