

Board of Adjustment

Minutes



**City Council Chambers, Lower Level
September 11, 2007**

Board members Present:

Dina Higgins, Chair
Mike Clements, Vice Chair
Garrett McCray
Mike Garcia
Dianne von Borstel
Terry Worcester
Scott Thomas

Board members Absent:

Staff Present:

Gordon Sheffield
Jeff McVay
Jim Hash
Rob Dmohowski
Constance Bachman

Others Present:

Wayne Rockwood	Lynette Stansberry	Richard Tracy
Don Nace	Tony Tang	Phil Bergeron
Gary King	Bud Thurston	Ray Murchison
Rulon Anderson	John Filli	Kellee Walton
Brandilyn Porter		

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 7:15 p.m., the following items were considered and recorded on Board of Adjustment CD #2.

Study Session 4:30 p.m.

- A. The study session began at 4:30 p.m. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:30 p.m.

- A. Consider Minutes from the August 14, 2007 Meeting A motion was made to approve the minutes with the addition of staff members name Kathy Ji, by Boardmember von Borstel and seconded by Boardmember Garcia
Vote: Passed 7-0
- B. First Consent Agenda A motion to approve the consent agenda as read was made by Boardmember McCray and seconded by Boardmember Worcester. Vote: Passed 7-0.
- C. Second Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Worcester and seconded by Boardmember Thomas. Vote: Passed 6-0, Board Member Von Borstel Abstaining.

Reconsideration of Last Months Cases:

**Board of Adjustment Meeting
September 11, 2007**

Case No.: BA07-043

Location: 1662 East Hope Street

Subject: Requesting a variance to allow a garage addition to encroach into the required side setback in the R1-9 zoning district

Decision: Approved for reconsideration

Summary: This case was approved by the board with conditions at the August 14, 2007. The applicant has requested reconsideration of the variance without the requirement of a 15-foot no-build easement on 1652 E Hope.

Motion: It was moved by Boardmember Worcester, seconded by Boardmember von Borstel to reconsider case BA07-043 at the October 9, 2007 hearing.

Vote: 7-0

Findings: N/A

Case No.: BA07-017

**Board of Adjustment Meeting
September 11, 2007**

Location: 1441 East Broadway Road

Subject: Requesting a variance to allow two storage buildings to encroach into required landscape areas in the O-S zoning district.

Decision This case is continued to the October 9, 2007 hearing.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Worcester to continue this case 30 days to the October 9, 2007 hearing.

Vote: Passed 7-0

Findings: N/A

Case No.: BA07-035

**Board of Adjustment Meeting
September 11, 2007**

Location: 6915 East University Drive

Subject: Requesting a Special Use Permit (SUP) to allow a manufactured home or recreational vehicle to be used as quarters for a night watchman in the C-2 zoning district.

Decision: It was moved by Boardmember Clement, seconded by Boardmember McGray to Deny case BA07-035.

Summary: Don Nace, presented the Special Use Permit (SUP) to allow a recreational vehicle to be used as quarters for a night watchman at the currently vacant restaurant due to theft and vandalism, noting the improvement, noting the improvement to site security.

The Board noted concerns regarding the recreational vehicle being utilized as a place of residence apposed to a watchman's quarters. Boardmember Clement brought the main concern forward; the use of an employee for the payment of room and board when a professional commercial security company could provide that service without the need for the night watchman's quarters.

The applicant stated that the need for security was 24-hours a day, seven-days a week and the owner would not be able to afford that kind of 24-hour security. The applicant also stated that the night watchman on duty deterred shady activity on his lot and also on surrounding.

Motion: It was moved by Boardmember Clement to **Deny** Case BA07-035 with the added condition that the RV be removed from the site within 30 days, and was seconded by Board member McGray.

Vote Passed 7-0

Findings:

- 1.1 The Special Use Permit (SUP) would allow a recreational vehicle to be used for a night watchman's quarters. The recreational vehicle exists on the parcel and has been utilized as a night watchman's quarters for the past several months. This use is the subject of a Code Compliance case, COD2007-02776.
- 1.2 The applicant notes: 1) the property has been vandalized and adjacent vacant land has been used for illegal parties and dumping; 2) a service report from the Mesa Police Department shows that no calls for service have been made since the night watchman's quarters have been in place; and 3) the night watchman's quarters has electric and sewer service and is hidden from view from Power and University Roads.
- 1.3 The subject site does not have frontage on University Drive and is accessed through a driveway across properties under separate ownership and without the benefit of an easement. The applicant has provided a letter from his attorney stating that the access has the benefit of a prescriptive easement.
- 1.4 The placement of the recreational vehicle and the addition on the south side are in very

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close proximity or across the southern property line. The site plan provided by the applicant does not provide dimensions from property lines and does not appear accurate with the built condition

- 1.5 Options are available to provide on-site security without the use on a recreational vehicle. Specifically, the vacant building can serve as a quarters for a night watchman.
- 1.6 The use of a recreational vehicle for a nightwatchman's quarters at this location is not consistent with the intent of the Special Use Permit requirement of the Code. The intent of the Code provision is to provide nightwatchman's quarters for a use or activity that does not include a permanent structure.
- 1.7 The night watchman's quarters would require the approval of an administrative use permit from the Building Safety Division. The Building Safety Division has concerns with the use sewer and utilities for a temporary structure. If the a temporary sewer and water utility hook-up were approved there would likely be utilitiy impact fees.

**Board of Adjustment Meeting
September 11, 2007**

Location: 1335 thru 1365 South Alma School Road

Subject: Requesting a Special Use Permit to allow modification of a Comprehensive Sign Plan in the C-2-DMP zoning district.

Decision: The applicant has requested a continuance to the October 9, 2007 hearing.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Worcester to continue this case to the October 9, 2007 hearing.

Vote: Passed 7-0

Findings: N/A

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Case No.: BA07-042

**Board of Adjustment Meeting
September 11, 2007**

Location: 2238 South Cottonwood

Subject: Requesting a variance to allow a patio enclosure to encroach into the required rear setback in the R1-6-DMP zoning district.

Decision: The applicant has requested a continuance to the October 9, 2007 hearing.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Worcester to continue this case to the October 9, 2007 hearing.

Vote: Passed 7-0

Findings: N/A

Case No.: BA07-045

**Board of Adjustment Meeting
September 11, 2007**

Location: 1135 South Gilbert Road

Subject: Requesting a Substantial Conformance Improvement Permit to allow expansion of a retail building in the C-2 zoning district

Decision: Approved with conditions (SCIP)
Continued to the October 9, 2007 hearing (SUP)

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Worcester to approve the SCIP and continue the SUP to the October 9, 2007 hearing.

Staff recommends **approval** of the Substantial Conformance Improvement Permit request of case BA07-045, *conditioned upon the following.*

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
2. *The identified pedestrian area at the front of the building shall be extended an additional twenty-five feet (25') south to the new parking lot landscape island and shall be raised to a height equal to the entrance foundation base, aka, a "speed table".*
3. *The pedestrian area shall be constructed of brick pavers, stamped or colored concrete, or other material approved by an Administrative Design Review.*
4. *Replacement of all dead or dying landscaping within the development site.*
5. *Provision of foundation base at the same width as existing foundation base along the entire south elevation, excluding the loading dock area.*
6. *Provision of a total of twenty-four (24) five-foot by five-foot (5' x 5') landscape planters within the parking field, each of which will contain one fifteen (15) gallon tree.*
7. Compliance with all requirements of an Administrative Site Plan Modification and Design Review.
8. Compliance with all requirements of the Building Safety Division in the issuance of building permits.

Vote: Passed 7-0

- Findings:**
- 1.1 The requested Substantial Conformance Improvement Permit (SCIP) will allow an approximately 15,300 square foot expansion of an existing Target. The site consists of one lot totaling approximately 7.7 acres and zoned C-2.
 - 1.2 Requested deviations to current Code requirements include a reduced setback from Southern Avenue, reduced foundation base adjacent to drive aisles, and a reduction in the number of parking lot landscape islands.
 - 1.3 As justification for the requested deviations, the applicant has noted conformance with current development standards would not allow the redevelopment of the site. The

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applicant has further provided improvements to the drive aisle, foundation base, and sidewalk along the front of the building, additional landscape diamonds, representing 2,550 square feet, within the parking field, and improved foundation base landscaping along the front elevation.

- 1.4 The applicant has also provided a detailed parking study to illustrate compliance with on-site parking demand.
- 1.5 Existing street improvements and drive aisles greatly limit the ability to provide an increased setback from Southern Avenue. The location of existing parking adjacent to the north property line does not allow increased foundation base along the building without compromising necessary back-up distances.
- 1.6 The applicant has provided improved demarcation of pedestrian areas at the front of the building. Expanding such pedestrian demarcation south to the next parking lot landscape island and raising this pedestrian area to create a speed table of equal height as the foundation base will provide traffic calming that will help mitigate staff primary concern.
- 1.7 Staff recommends provision of foundation base of the same width as existing foundation base along the south building elevation up to the existing loading docks, the provision of an additional 12, 5' x 5' landscape planters within the parking field, and the replacement of dead or dying landscaping within the site to provide additional conformance within current development standards.
- 1.8 Following Board of Adjustment approval, the applicant is required to receive the review and approval of an Administrative Site Plan Modification and Design Review.
- 1.9 The proposal meets the requirements to be reviewed for a SCIP and the applicant has proposed improvements to the site, including staff recommended conditions of approval, that represent substantial conformance with current Code requirements.

Case No.: BA07-046

**Board of Adjustment Meeting
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Location: 603 and 619 East Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit to allow development of a general commercial building in the C-2 zoning district

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Worcester to approve case BA07-046 with the following conditions.

Staff recommends **approval** of case BA07-046, *conditioned upon the following:*

1. *Compliance with the basic site plan submitted, except as modified by the conditions below.*
2. *Provision of a minimum ten-foot (10') landscape setback from Hobson Street.*
3. *Provision of a minimum nine-foot wide by sixteen-foot deep (9' W x 16' D) back-up/turn around space constructed of a durable surface such as stamped or colored concrete in lieu of the southeastern most parking space.*
4. *Provision of written approval for the solid waste enclosure location from the Solid Waste Division prior to application for building permits.*
5. *Compliance with all requirements of the Design Review Board.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1** The proposed development site consists of two lots with three independent buildings that will be redeveloped to create a single retail building with several tenants. The applicant will demolish the two westernmost existing buildings while integrating the remaining building that is currently on the east parcel into the new multi-tenant retail building.
- 1.2** As justification for the requested SCIP the applicant has noted: 1) the demolition of the existing furniture store would be required to comply with current development standards; 2) the application of a 15-foot setback along the east property line would significantly reduce the buildable area of a small site; 3) the requirement of a 55-foot plus 10-foot P.U.F.E. along Broadway Road also significantly affects the buildable area; and 4) without some relief, the expansion of the site is not possible, including provision of sufficient on-site parking to accommodate the commercial building.
- 1.3** The right-of-way dedication and P.U.F.E. requirement for Broadway Road significantly affects the site and provides justification for reduced landscape setbacks from Broadway Road and the south property line as a means to allow reasonable tenant space depth and necessary drive aisles and on-site parking. Additionally, improvements to Broadway Road are most likely in the distant future.

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- 1.4** The proposed site plan, including staff recommended conditions of approval, represents substantial conformance with current development standards while allowing the redevelopment and reinvestment into older neighborhoods within the City. Additionally, the proposed development is compatible with, and not detrimental to adjacent properties.

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Case No.: BA07-047

Location: 1023 E. Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit to allow development of a daycare in the R-4 zoning district.

Decision: The applicant has requested a continuance to the October 9, 2007 hearing.

Summary: This case involves a request for a Substantial Conformance Improvement Permit to allow deviations to current development standards related to an existing single residence into a childcare center.

Board members had concerns related to the traffic circulation and parking that needed to be resolved prior to being able to make a decision on the case and proposed that the case be continued for 30 days in order to research alternatives to the current site plan.

Motion: It was moved by Boardmember Clement, seconded by Boardmember Thomas to continue this case until the October 9, 2007 hearing.

Vote: Passed 7-0

Finding: N/A

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Case No.: BA07-048

Location: 1559 North Country Club Road

Subject: Requesting a Development Incentive Permit to allow development of a general commercial building and boat repair facility in the C-2 zoning district

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Worcester to approve the case with the following conditions:

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Design Review Board.*
3. *Paved areas identified on the site plan with pavement striping (pedestrian route, handicap accessible landing) shall utilize stamped concrete, brick pavers, or other material approved by the Design Review Board.*
4. *Convert the four (4) handicap accessible spaces, including two (2) van accessible, into two (2) handicap spaces, including one (1) van accessible, and two (2) standard spaces.*
5. *Create contiguous parking areas by removing interior landscape islands, while keeping the boundary landscape islands. Transplant required plant coverage to landscape areas adjacent to McLellan Road.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 The subject parcel is the site of an 8,118 square foot boat service facility and a 3,838 square foot retail building, a permitted use in the C-3 district. The existing service facility will be razed to allow redevelopment of a new 8,118 square foot boat service facility during phase one, and a 3,838 square foot retail building during phase two.
- 1.2 Given the size of the parcel, the requested deviations from current Code requirements are reasonable. The applicant has provided a site plan, landscape plan, and building elevations, which meet or exceed the intent of the Code design guidelines.
- 1.3 The redevelopment of the site with a use currently existing will have a minimal impact on surrounding properties and the neighborhood. Improved site planning, landscaping, and architecture will offset any impacts.
- 1.4 The proposed site plan, including staff recommended stipulations, will bring this site into a greater degree of conformance with current Code. It will be comparable to, or exceed similar commercial properties located in the vicinity of this site.

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Case No.: BA07-049

Location: 5229 South Saranac

Subject: Requesting a Special Use Permit to allow development of a commercial communication tower that exceeds the maximum height permitted in the C-2 and M-1 zoning districts.

Decision: Approved with conditions

Summary: This case involves a request for a Special Use Permit to allow construction of a new commercial communication tower located at the southeast corner of Ray Road and Power Road

Mr. Anderson had concerns with staff conditions regarding the use of a faux mono palm tree versus a monopole as proposed. Mr. Anderson stated that co-location of mono palms was poor design and leads to future problems. The City of Mesa is allowing mono palms all over the city and co-location would ruin the look and purpose of the intended camouflaging. Mr. Anderson also explained that it was a misuse of the faux palm in this application because of the area it was being proposed being industrial zoned.

Boardmember Worcester and Chair Higgins rebutted that the area is beautiful and located at a major intersection and entrance to the William Gateway Airport. The Board explained that with this being the first communication tower in the area that a standard is being set with regards to design.

Mr. Anderson agreed to the Board decision but requested that they add a condition of approval that would prohibit any co-locating of other carriers on the pole.

Motion: It was moved by Boardmember Worcester, seconded by Boardmember McGray to approve the case with following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions:*
2. *The commercial communication tower shall utilize a faux date palm tree design with a minimum of 55 fronds and bark cladding*
3. *The 20'x30' leased area shall be enclosed by an eight-foot high block wall of sufficient height to screen ground mounted equipment and finished to match the proposed equipment shelter.*
4. *Compliance with all requirements of the Building Safety Division with regard to issuance of building permits.*
5. *No co-location of additional carriers shall be permitted.*

Vote: Passed 7-0

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Finding of Fact:

- 1.1 The proposed 65-foot high Commercial Communication Tower (CCT) would be located on vacant land owned by common enterprises. The land falls between Saranac Road and the RWCD Canal.
- 1.2 The CCT is an allowed use in C-2 and M-1 zoning districts subject the granting of a Special Use Permit. Consistent with the CCT guidelines adopted by the City Council May 19, 1997.
- 1.3 Due to the anticipated commercial development in the Williams Gateway area, staff finds that the use of a faux palm tree design with a minimum of 55 fronds and a bark-clad pole to camouflage the antennas is needed.
- 1.4 Given the distance from future commercial and residential uses, the context of the site, and the use of a stealth design, the proposed CCT would be compatible with, and not detrimental to surrounding properties.

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Case No.: BA07-050

Location: 1718 through 1954 South Crimson Road (west side)

Subject: Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) in the C-2 – DMP zoning district.

Decision: The case was continued to the October 9, 2007 hearing.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Worcester to continue the case to the October 9, 2007 hearing.

Vote: Passed 7-0

Findings: N/A

**Board of Adjustment Meeting
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Case No.: BA07-051

Location: 2055 South Power Road

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan (CSP) in the C-2 DMP zoning districts.

Decision: The case was continued to the October 9, 2007 hearing with direction from the Board to give additional attention to the design and size of signs "A" and "C".

Summary: In September 2006 the Board of Adjustment approved a modification of the Comprehensive sign plan for what used to be called "VF Factory Outlet", and later the "Factory Stores of America Outlet". Based on Sec 11-18-6(B), Special Use Permits must be exercise within one year, or the SUP expires.

Mr. Udall stated that he agreed with all of the staff recommendations with the exceptions of condition 5 and 12 as stated in the staff report. The limitation of 18 months on the extension the justification for the extension was presented by Mr. Udall stating that the current road work on Power Road and Baseline Road is going to take longer then that amount of time and the owner of the center does not wish to proceed forward with sign construction until the completion of work on the roads.

Mr. Udall went on to state that the distance that the center was located off of the street justified the amount of signage that was needed for the digital display boards, and how little frontage was left after the previous owner sold of sections of the center.

Board members voiced concerns regarding proximity to the road, height and square-footage of the proposed signage and the over all impact those signs will have on the neighboring properties.

Motion: It was moved by Boardmember Worcester, seconded by Boardmember McGray to continue the case to the October 9, 2007 hearing.

Vote: Passed 7-0

Finding of Fact: N/A

**Board of Adjustment Meeting
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Case No.: BA07-052

Location: 1320 through 1346 West Broadway Road (north side)

Subject: Requesting a Special Use Permit (SUP) to allow modification of a Comprehensive Sign Plan (CSP) in the C-2 – DMP zoning district.

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Worcester and seconded by Boardmember Thomas to approve the case with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *The “San Tan Collision Center of Mesa” identified as drawing 07-1223 of the Comprehensive Sign Plan shall be modified to provide a monument base and shall have a maximum sign height of eight feet (8’).*
3. *All monument signs shall be reviewed and approved by Design Review staff for compliance with Design Guidelines prior to submittal for sign permits.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

Vote: Passed 6-0, Boardmember von Borstel abstaining.

Findings:

- 1.1 The proposed Comprehensive Sign Plan for Broadway Cars and Trucks of Mesa, SanTan Import Service Center, and SanTan Collision Center would allow three detached signs along Broadway Road and one detached sign along Mulberry that are less than would be allowed by current Code maximums. The proposed CSP would allow aggregate attached sign area for each user greater than allowed by current Code. The number of attached signs proposed is consistent with current Code.
- 1.2 As justification the applicant notes: 1) a total of 368 square feet of existing attached signage will be removed and replaced with 240 square feet of attached signage; 2) two existing detached signs (aggregate 24 feet in height and 91 square feet in area) along Broadway Road will be removed and replaced with three signs with an aggregate 27 feet in height and 115 square feet in area; 3) a total reduction of 104 square feet in sign area; and 4) signs have been designed to match the architectural style and colors of the buildings.
- 1.3 Staff concerns relate to the compliance of detached signs with current Design Guidelines. To address this concern, conditions of approval that requires a monument base for the SanTan Collision Center monument sign and staff level Design Review of all monument sign for compliance with Design Guidelines is included.
- 1.4 Collectively, the need for attached signs to be in proportion to the scale of the building and complementary to building architecture; the fact that the proposed CSP results in a net loss in attached sign area; and detached sign numbers, height, and area less than could be allowed by Code; together justify the moderate increased aggregate attached sign area.

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Respectfully submitted,

Jeffrey McVay, AICP
Senior Planner
Secretary, Board of Adjustment

Minutes written by James Hash, Planner I

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