

Board of Adjustment

Minutes

**City Council Chambers, Upper Level
May 14th, 2013**

Board Members Present:

Danette Harris- Chair
Trent Montague- Vice Chair
Tyler Stradling
Chad Cluff
Mark Freeman
Wade Swanson

Board Members Absent:

Greg Hitchens- excused

Staff Present:

Gordon Sheffield
Angelica Guevara
Jeff McVay
Kaelee Wilson
Jason Sanks
Wahid Alam
Lesley Davis

Others Present:

Keith Laidlaw
Linda Hufnagel
Lu Erzew

The study session began at 4:39 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:16 p.m., the following items were considered and recorded:

Study Session began at 4:39 p.m.

- i. Zoning Administrator's Report:
Mr. Sheffield reported the status of the Sign Code update to the board.

B. The items scheduled for the Board's Public Hearing were discussed.

Study Session was adjourned at 5:16 p.m.

Public Hearing began at 5:30 p.m.

- A. Consider Minutes from the April 9th, 2013 Meeting a motion was made by Board member Freeman and seconded by Board member Montague to approve the minutes. Vote: Passed 6-0
- B. Consent Agenda a motion to approve the consent agenda as read, as read was made by Board member Swanson and seconded by Board member Freeman. Vote: Passed 6-0

**Board of Adjustment Meeting
May 14th, 2013**

Case No.: BA13-023

Location: 1841 South Greenfield Road

Subject: Requesting a Special Use Permit to modify an existing Comprehensive Sign Plan in the LC zoning district. (PLN2013-00130)

Decision: Continued to the June 11th, 2013 hearing

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

Motion: It was moved by Board member Swanson seconded by Board member Freeman to continue case BA13-023.

Vote: Passed (6-0)

**Board of Adjustment Meeting
May 14th, 2013**

Case No.: BA13-024

Location: 1620, 1630 and 1640 South Stapley Drive

Subject: Requesting a Special Use Permit to modify an existing Comprehensive Sign Plan in the LI zoning district. (PLN2013-00136)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis. The request was to modify an existing Comprehensive Sign Plan for the Stapley Center.

Motion: It was moved by Board member Swanson and seconded by Board member Freeman to approve case BA13-024 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all conditions of BA01-001 except as modified by this request.*
3. *Placement of the signs must be in compliance with all City of Mesa standards.*
4. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits*

Vote: Passed (6-0)

FINDINGS

1. This site is 19.8 acres and has two street fronts, one on Solomon and one on Inverness. They have a long Access drive, which is through the adjacent commercial development that serves as their main entry from Stapley Drive. It is bordered by US60 to the north. The total square footage for all three buildings is 280,000 square-feet.
2. The approved Special Use Permit (SUP) would allow the modification of the previously approved Comprehensive Sign Plan (CSP) for Stapley Center as it relates to the on-site directional signs and attached tenant identification signs (BA01-001). Specifically, the proposal allows for tenants to increase their allowable sign area from 12 square-feet to 20 square-feet. The directional signs are to be installed in existing planters in front of each building. Those signs are 6-feet, 6"-inches high. The sign for the two side buildings are to be angled with two faces at a 90 degree angle with 15 square-feet on each face. The center building would have a single faced monument, which would also be 6-feet high with 15 square-feet in area.
3. The site was previously approved for more detached signage than has ever been utilized. Monument tenant identification signs were initially approved at the Stapley entrance into the site where it meets with the commercial to the east; however those signs were never installed. The existing signage in that location only states the name "Stapley Center" on low walls. The signage along both Inverness and Solomon is also much smaller than was approved and also only identifies the name of the development. The applicant is proposing to provide tenant identification on the interior of the site in large planter areas in front of each building to help direct people to the correct building once they are already on the premises. These new signs will not be visible from the right-of-way and will not be readable from the adjacent property to the east, but will make way-finding easier for a person on the property trying to locate a particular business.
4. The applicant was approved to increase the area allowed for attached signs for the individual tenants. The previous sign plan very specifically limited these signs to 12 square-feet and also identified the locations on the building where these signs are permitted to maintain consistency and attractiveness of the project. The applicant has stated that the 12 square-feet is not sufficient on these large buildings on this 19.8 acre site to help identify their tenants. They have proposed to increase the square-footage for those tenant signs to 20 square-feet. Elevations have been provided to show how these signs will be placed on the building to help demonstrate the proportions.

Board of Adjustment Meeting
May 14th, 2013

5. In evaluating this site and the previous approval, staff has determined that the allowable detached signage has been underutilized. The owner is only identifying the name "Stapley Center" along the street frontages. Tenants are identified from the interior, unless they have an attached sign. The new monument/directory signs in front of the buildings will help with way-finding once the person has entered the property. There was concern with the previous approval that attached tenant signs larger than 12 square feet on the building would not be proportional and could make the building look cluttered. The applicant has provided elevations that depict the increase in sign area of 20 square-feet. The increase to the attached sign area for tenants is proportional to the buildings and no additional locations were approved.
6. A superior level of quality was previously approved and will continue for this sign program. The limitations on detached signs, the uniform look of the attached signs and the use of halo illumination will provide the unique conditions specified as needed by the Sign Ordinance.
7. The modifications to the Comprehensive Sign Plan in conjunction with the recommended conditions ensure that signs will be compatible with, and not detrimental to, surrounding properties.

**Board of Adjustment Meeting
May 14th, 2013**

Case No.: BA13-025

Location: 1958 East Brown Road and 1224 North Gilbert Road

Subject: Requesting: 1) a Special Use Permit to allow the reduction of required parking spaces; 2) a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial site; and 3) a Special Use Permit for a Comprehensive Sign Plan, all in the LC zoning district. (PLN2013-00141)

Decision: Approved with Conditions

Summary: Karl Shaffer and Aaron Klusman, the applicants, presented the case to the Board. Mr. Klusman explained that the request is to allow the development of a neighborhood market and restaurant while maintaining the heritage of the Lehi area. Mr. Klusman went on to describe the character of the restaurant and market with the outdoor seating areas.

Board member Stradling asked Mr. Klusman how the valet parking would work on such a constrained site. Mr. Klusman responded that valet service would only be provided during peak hours. Board member Stradling then asked the hours of operation of the restaurant and market. Mr. Klusman stated the hours will be 7am-9pm Sunday- Thursday and 7am-11pm Friday-Saturday.

Keith Laidlaw, residing at 1908 East Brown Road, stated that he has concerns with the possibility of noise, disturbances and overflow parking affecting the surrounding neighborhood.

Lu Erzew, residing at 1910 East Glencove, stated that she loves the concept but has a few concerns. She is concerned about loud music, valet parking on Glencove and the trash being picked up regularly.

Conversation ensued amongst board members concerning the valet parking.

Motion: It was moved by Board member Swanson seconded by Board member Stradling to approve case BA13-025 with the following conditions:

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
2. *Existing asphalt in front of the buildings to be replaced with landscape improvements per approved site plan prior to issuance of final certificate of occupancy.*
3. *No outdoor entertainment activities shall occur in areas behind building #2 proposed for Public Market.*
4. *Modern Grove outdoor eating area activities (noise/music, TV/monitor, light) shall not spill over the existing residential development along north property line south of Glencove Street.*
5. *Work with staff in improving the site plan, landscape plan and exterior design of building#2 by incorporating existing architectural elements, material, color and texture from building#1(proposed Modern Grove).*
6. *The revised approved site plan shall provide at least 67 parking spaces, excluding on-site valet parking services offered to customers.*
7. *Compliance with Design Review approval for the proposed redevelopment.*
8. *Proposed signs (attached and detached monument signs) will need separate Sign permit. Placement of the monument sign within the future right of way line on Gilbert Roads is subject to a sign agreement.*
9. *Compliance with all requirements of the Development Services Office with the issuance of building permits.*
10. *Onsite valet parking services will be provided during peak hour if necessary.*

**Board of Adjustment Meeting
May 14th, 2013**

Vote: Passed (6-0)

FINDINGS

1. The proposal includes replacing the asphalt area in front of the convenience store on Gilbert Road with grass and pedestrian walkways. The vacant space inside the existing building at 1958 East Brown Road will be covered with Modern Grove restaurant with outdoor seating. The proposed site plan reduces existing parking spaces from 82 spaces to 59 spaces with additional 6 bicycle stalls.
2. The applicant is requesting the following:
 - Reduced parking spaces than the current code requires.
 - Allow to redevelop the commercial center with existing setbacks, which do not meet the current standards.
 - A comprehensive sign plan to allow installation of a taller monument sign along Gilbert Road.
3. The applicant is requesting 59 spaces, a reduction of 29 spaces (33% reduction) for the following reason:
 - Reduced parking demand for Dunkin Donuts, since the peak business, 75% of sales are before 11:00 am and 40% done at drive-thru.
 - Zoyo Yogurt peak business is before and after dinner and 80% of sale is “to go”, so it should be considered as retail not restaurant.
 - Modern Grove will experience peak business during dinner hours.
 - Public Market primary use will be neighborhood market with seating designed more for convenience than dining.
 - The Brown and Gilbert intersection has 3 bus stops.
 - The project is designed as a “village green” neighborhood center with bicycle racks.
 - For additional parking demand applicant is willing to offer on-site Valet Parking services.
4. As for the setbacks, the existing development has a landscape buffer of 15 feet already established along the north property line, which runs coterminous with residential development. Also, a 15 feet landscape setback exists along west property line, which is shared with an office building. As currently designed, the project has a 7-foot setback along Brown and Gilbert Roads, and the number of landscape islands do not meet the specified ratio of one island for every 8 parking spaces. However, this lack of compliance is offset by: 1) the elimination of head on parking from the front of the buildings; 2) closing off two of the driveway accesses on Gilbert Road; 3) the high quality of improvements proposed for the old convenience store building; and 4) creating a neighborhood commercial center by combining the two properties into one functional center.
5. The existing signs are as follows:
 - Attached (176 sq. ft.): 2 Dunkin Donuts total 140 sq. ft. ; 1 Zoyo 36 sq. ft.
 - Detached (88 sq. ft.): 2 monument signs (20 sq. ft. each 12 feet tall); 1 C-store 48 sq.ft. 7'-6" tallThe additional proposed signs are as follows:
 - Attached (119 sq. ft.): 2 Modern Grove total 120 sq. ft.; 1 Public Market 60 sq. ft.
 - Detached (38.25 sq.ft.):1 Public Market sign 14.25 sq. ft.; 2 Lehi District message 24 sq.ft.
6. The change of occupancy from a retail/warehouse use to a manufacturing use and the re-occupancy of a vacant non-conforming building and site invoke compliance with zoning code on the entire site. The applicant has requested relief from the zoning code requirements with the submittal for a SCIP. A site plan, elevations, floor plan, and landscape plan have been provided showing the proposed improvements.

**Board of Adjustment Meeting
May 14th, 2013**

1 Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator

Minutes written by Kaelee Wilson, Planning Assistant