

Board of Adjustment

Minutes



**City Council Chambers, Lower Level
October 14, 2008**

Board members Present:

Mike Clement, Chair
Dianne von Borstel, Vice Chair
Scott Thomas
Garrett McCray
Linda Sullivan
Greg Hitchens

Board members Absent:

Terry Worcester (excused)

Staff Present:

Gordon Sheffield
Jeff McVay
Brandice Elliott
Kelly Arredondo

Others Present:

Wayne Martella	Dan Oconnor	Tony Sola
Trevor Fish	Jeff Gonzales	Michelle Valdez

The study session began at 4:39 p.m. The Public Hearing meeting began at 6:05 p.m. Before adjournment at 7:18 p.m., the following items were considered and.

Study Session 4:39 p.m.

- A. The study session began at 4:39 p.m. The items scheduled for the Board's Public Hearing were discussed.
- B. Zoning Administrator update – The Zoning Administrator provided the Board an update on the status of the Mesa Proving Grounds Zoning Case, noting that the Community Plan was approved. The Zoning Administrator also provided an update on the Zoning Ordinance rewrite, noting that the work on Module 2 is wrapping up and Module 3 will beginning soon.

Public Hearing 6:04 p.m.

- A. Consider Minutes from the September 9, 2008 Meeting A motion was made to approve the minutes by Boardmember von Borstel and seconded by Boardmember Thomas. Vote: Passed 6-0
- B. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Thomas and seconded by Boardmember McCray. Vote: Passed 6-0
- C. Second Consent Agenda A motion to approve the second consent agenda as read was made by Boardmember McCray and seconded by Boardmember Sullivan. Vote: Passed 5-0-1, Thomas abstained

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Case No.: BA08-050

Location: 2431 East McKellips Road

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of a Group Commercial Development with two General Auto Repair Shops

Decision: Approved with conditions.

Summary: Wayne Martella, property owner, represented the DIP request to the Board. Mr. Martella noted the shape of the parcel, the work done with staff members, the meetings with neighbors, and the results of the sound study as justification for the request. Tony Sola, acoustical consultant, provided a background of his experience, discussed the City of Mesa noise standard, and discussed the findings of his sound study. In response to questions from Boardmembers, Mr. Sola confirmed how sound is measured, that a passing truck generated 70 dBA, that the base measure include an assumption of an 8-foot wall, and that the study assumed exterior equipment and only resulted in a maximum 51 dBA on the appellant's property.

Trevor Fish, attorney for appellant, discussed the noise impact of air tools, the potential transition of the auto repair uses to tire shops and the increased noise associated, enforcement of outdoor storage and outdoor activity prohibitions. Mr. Fish presented pictures of taken from three comparable sites that showed outdoor storage, chain link fencing, and generally poor property upkeep. Jeff Gonzales, appellant discussed visiting other AAMCO shops. He presented additional pictures of outdoor storage, graffiti, and outdoor activity. Using a hand held decibel meter, he measured between 65 and 91 dBA at these sites. Michelle Valdez, mobile home park manager, noted the neighboring residents need for a peaceful and quiet living environment.

Mr. Sheffield clarified the comparable sites discussed by the appellant were legal nonconforming, noting this site would not be permitted outdoor storage or outdoor activity. Mr. Sheffield further stated staff would support a condition of approval requiring an 8-foot wall along the east, south, and portion of the west property lines. Boardmember McCray confirmed that the appellant desired the prohibition of pneumatic tools. Mr. Sheffield cautioned the Board from adding conditions related to limiting the use of the property.

Mr. Martella provided a rebuttal of the appellant discussion, noting that he operated only one of the facilities discussed by the appellant, that the appellant has not yet provided an opposing sound study, acceptance of 8-foot wall condition, and hours on operation. Mr. Martella presented pictures of sites that he owns and operates as an example of how this site will be maintained. Josh Mike provided a summary of the staff analysis and gave the staff recommendation.

Mr. Hitchens confirmed the hours of operation. Mr. Clement confirmed that the proposed use is general automotive repair and not a tire shop. In making the

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motion to approve, Mr. Hitchens noted that he felt this would be a Class A facility that was well designed.

Motion:

It was moved by Boardmember Hitchens, seconded by Boardmember McCray to approve case BA08-050 with the following conditions.

1. *Compliance with the site and landscape plans submitted, except where modified by the Design Review case listed below.*
2. *Relocate the landscape medians adjacent to Shops "A" to meet the required maximum of eight (8) contiguous parking spaces.*
3. *Replace the single parking space adjacent to south wall of the buildings with landscaping.*
4. *Provision of an eight-foot by fifteen-foot (8'x15') landscape island at the south end of the parking row adjacent to east property line.*
5. *Provision of a minimum fifteen-foot landscape setback from the east property line, including the solid waste enclosure.*
6. *Provision of a minimum twelve-foot by fifteen-foot (12'x15') landscape island at the south end of the parking row adjacent to Shops "A" and Office.*
7. *Air compressors shall be located in a sound attenuated room within the buildings.*
8. *Provision of an eight-foot (8') tall masonry screen wall the entire length of the east and south property lines and along the west property line to the point directly west of the southwest corner of the General Auto building.*
9. *Provision of an additional four (4), twenty-four inch (24") box size trees adjacent to the east property line.*
10. *Compliance with all requirements Design Review Board case DR08-46.*
11. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote:

Passed 6-0

Findings:

- 1.1 The DIP allows development of Group Commercial Development with one multi-tenant retail building and two General Auto Repair buildings. The DIP allows a reduction in the required setbacks and an increase in the maximum number of contiguous parking spaces in one location. The site complies with all other development standards.
- 1.2 The size and shape of the property, the goal of orienting the buildings away from adjacent residential properties, and the redevelopment of a former fueling station provide justification for the DIP.
- 1.3 The site plan represents substantial conformance with current Code requirements, while permitting the development of the site with uses permitted in the C-2 zoning district. The site plan provides parking, parking lot landscape islands, and setbacks from west and south property lines consistent with or in excess of minimum Code requirements. The approved deviations include reducing the 30-foot setback along McKellips Road to 10-feet.
- 1.4 Conditions relating to foundation base, parking lot islands, setback for trash enclosures, landscaping, and perimeter walls have been approved to improve the overall conformance of the site plan with the current development standards.
- 1.5 The primary concerns of the appellant are focused on the sound and outdoor activity created by the auto repair uses that will be a part of this development. The appellant is also apprehensive about proximity of the auto repair buildings to their property, specifically the eastern building that is fifteen feet (15') from the property line, and the western auto repair building because the bay doors face the adjacent mobile home park. They request that an eight foot (8') tall, twelve inch (12") wide solid block wall be constructed along the east and south property lines.

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- 1.6** The proposed uses are allowed in a C-2 zoning district through the Mesa Zoning Ordinance. All outdoor uses and storage are not permitted within the C-2 zoning district. The required setback along the northern portion of the east property line is fifteen feet (15'), which the site plan provides. Acoustical Consulting Services conducted a sound study of the subject property that showed that the sounds generated from these uses "will be below the City of Mesa noise code, typical noise standards, and the recommended noise level limit." A condition of approval requires the air compressors be located in a sound attenuated room within the buildings.
- 1.7** The subject property is consistent with the definition of a bypassed parcel, the incentives proposed are necessary to accommodate the proposed development, the incentives approved will allow development commensurate with surrounding existing development, and the incentives will result in a development compatible with, and not detrimental to, adjacent properties or neighborhoods. The Design Review Board has approved the proposed plan through case DR08-46.

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Case No.: BA08-051

Location: 1138 and 1146 North Alma School Road

Subject: Requesting a Special Use Permit to allow the development of a Comprehensive Sign Plan for Riverview Point office development in the PEP-PAD-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 Thomas, seconded by Boardmember McCray to approve case BA08-051 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Attached signs for Buildings 1138 and 1146 shall have a maximum letter height of three feet (3') for single lines of copy and maximum height of five feet seven inches (5'-7") for multiple lines of copy and corporate logos.*
3. *Attached signage for Buildings 2, 3, 4, and 5 shall comply with current Sign Ordinance requirements unless otherwise approved through modification of the Comprehensive Sign Plan.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

Vote: Passed 6-0

Findings:

- 1.1 The Zoning Code would potentially allow an aggregate total of 15.75 feet in height and 157.5 square feet in sign area for multiple detached signs and 12 feet in height and 80 square feet for a single sign along Alma School Road, and an aggregate total of 110 feet in height and 1,100 square feet in sign area for detached signs along Bass Pro Drive.
- 1.2 The proposed Comprehensive Sign Plan proposes a single sign of 8'-2" feet in height and 58 square feet in sign area along Alma School Road and 69.5 feet in height and 322.4 square feet in sign area between eight detached signs along Bass Pro Drive. No detached signs have been proposed along Solomon. No detached sign would exceed 12 feet in height or 80 square feet in sign area. The CSP also includes six directional signs interior to the site to aid on-site wayfinding and one, 7'-2" monument sign on Dobson Road in a location previously approved (BA06-005) for a 6-foot tall pad tenant sign.
- 1.3 The CSP proposes attached signs with aggregate sign areas in excess of current Code maximums for tenants of Buildings 1 and 6. The attached signs would be permitted in specific sign envelopes with sizes that vary depending on the size of the tenant space. All tenants would be permitted attached signs regardless of the signs relationship to the tenant space. Each tenant would be allowed one sign of the same size on both the north and south building elevation. Text will have a maximum letter height of 36 inches and logos can utilize the entire sign envelope height. All signs are required to be reverse pan channel letters with halo illumination and no exposed building attachments.

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- 1.4** As recommended, aggregate attached sign area for Buildings 1 and 6 would still exceed current Code maximums. This increase in attached sign area has been justified by the scale of the buildings, the integration of unique signage with building architecture, and aggregate sign area and height for detached signs significantly less than could be allowed by Code. The CSP provides a flexible sign criteria that promotes improved design through architectural integration.

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Case No.: BA08-052

Location: 1855 South Signal Butte Road

Subject: Requesting modification of a Special Use Permit (SUP) for a Comprehensive Sign Plan for a group commercial development 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 McCray, seconded by Boardmember Sullivan to approve case BA08-052 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions below.*
2. *The development shall be permitted up to six (6) attached signs with an aggregate area of one hundred sixty (160) square feet.*
3. *Sign H shall be modified to "Entrance" and shall not exceed six (6) square feet in area.*
4. *Sign I shall be modified to "Exit" and shall not exceed six (6) square feet in area.*
5. *The electronic message display shall comply with Sec. 11-19-8 (D) 17 of the City Code.*
6. *Pump toppers, point of sale, and garbage signs shall not be permitted.*
7. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*

Vote: Passed 5-0-1 (Thomas abstaining)

Findings:

- 1.1 Cobblestone Auto Spa is a multi-use development consisting of a car wash facility, gas station, and Dunkin' Donuts. The development obtained approval for a Special Use Permit to allow the operation of the gas station and car wash in 2005, at which time the sign package was also reviewed (reference BA05-046). The Special Use Permit allows five attached signs with an aggregate sign area of 160 square feet. The detached sign to be located on Signal Butte Road was stipulated to comply with the CSP for the overall development, which would allow the sign to be 8-feet high and 28 square feet in area.
- 1.2 The applicant proposes a total of six attached signs identified as A/B1, C1, C2, C3, D, and E on the plans provided, while the current CSP would allow five attached signs. The aggregate sign area of all attached signs would be 175 square feet, which exceeds the 160 square feet that is currently permitted by the CSP. Two directional signs have been proposed on the car wash canopies, which would have an aggregate sign area of 11 square feet.
- 1.3 The approved detached sign located adjacent to Signal Butte Road will be 8-feet high with a sign area of 52 square feet. The detached sign consists of an electronic display that would indicate the price of gasoline. While electronic message display must comply with the message change frequencies and light intensities specified in Sec. 11-19-8 (D) 17 of the City Code.

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- 1.4** The applicant has noted that: 1) there are several uses at this location that require identification; 2) the monument sign would utilize the design approved by the CSP and would be compatible with existing monument signs throughout the development; and 3) the additional signs would not clutter the building façade and would meet the needs of all uses at this location.
- 1.5** This facility has frontage on Signal Butte Road and is very visible from the street. As a result, additional signs are warranted in this instance, however, additional sign area is not. A condition has been included that limits the aggregate area of attached signs to 160 square feet. The requested modification is somewhat consistent with other car washes that have been recently approved. While other car washes have been permitted additional signs, they have been limited to 160 square feet.
- 1.6** The applicant has included two directional signs with this request, identified as signs H and I in the submittal provided. These signs could be legible from the right-of-way, providing some advertisement of the car wash facility to on-coming traffic. To consider these signs directional in nature, the “Car Wash” portion would need to be removed from each sign. The “Entrance” and “Exit” signs would be sufficient in providing direction to the car wash canopies while limiting the amount of advertising that occurs to the right-of-way.
- 1.7** Gas station facilities often place pump toppers that convey an advertising message on top of gas pumps. In addition, point of sale signs and signs located on garbage containers are often placed on the site to advertise specials. These signs have been historically prohibited due to their visibility from the right-of-way and lack of relevance to traffic circulation. A condition has been included to address these signs and to ensure that the site remains free from unnecessary sign clutter.
- 1.8** The existing development consists of several uses, and identification is essential to ensuring that patrons safely navigate the site. The proposed modifications to the CSP will allow adequate signage to direct customers to the correct terminals, and to provide sufficient identification that will be visible from the right-of-way. Further, a larger detached sign will ensure that each use will be identifiable from the street. As a result, the proposed modifications with the recommended conditions will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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Case No.: BA08-053

Location: 4550 East Mallory Circle

Subject: Requesting a variance to allow: 1) a fence that exceeds the maximum height permitted in the front setback; 2) a reduction in the front setback; 3) a reduction in foundation base width; 4) a reduction in foundation perimeter and foundation base landscape plantings; and 5) a reduction in the number of on-site parking spaces provided; all in conjunction with the development of a hangar project in the M-1 zoning district.

Decision: Continued to the November 12, 2008 hearing.

Summary: This case was continued without Board discussion.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Thomas to continue case BA08-045 for 30 days.

Vote: Passed 6-0

Findings: N/A

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Case No.: BA08-054

Location: 2750 East University Drive

Subject: Requesting: 1) a Development Incentive Permit (DIP); and 2) a Special Use Permit; both in conjunction with the development of a carwash 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 Thomas, seconded by Boardmember McCray to approve case BA08-054 with the following conditions:

1. *Compliance with the site and landscape plans submitted, unless modified by the conditions below.*
2. *Provision of a minimum five-foot (5') wide foundation base adjacent to the north building elevation.*
3. *A maximum of three (3) attached signs with a maximum aggregate sign area of one hundred twenty square feet (120 s.f.). The sign area may be increased, up to but not exceeding the maximum allowed by Code, with review and approval by Board of Adjustment and/or Design Review staff.*
4. *The new detached monument sign shall be reviewed and approved by Design Review Board staff prior to the issuance of building permits.*
5. *Provision of a minimum three foot six inch (3'-6") setback from Lindsay Road and the relocation of the proposed screen wall adjacent to Lindsay Road three feet six inches (3'-6") west.*
6. *Compliance with all requirements of the Design Review Board.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1 The approved Special Use Permit and Development Incentive Permit (DIP) allow the development of a carwash on an existing C-2 zoned parcel. This site was previously developed with a gas station that will be razed to accommodate the proposal. Dedication of right-of-way to accommodate future street improvements will be required to achieve a 75-foot right-of-way for Lindsay Road and a 65-foot right-of-way for University Drive. The net developable lot area will be reduced from approximately 36,000 square feet to 30,600 square feet.
- 1.2 The approved deviations allow reduction in the building/landscape setbacks from Lindsay Road and University Drive, a reduction in the foundation base width adjacent to the north building elevation, and a reduction in perimeter landscape quantities.
- 1.3 Consistent with the definition of "by-passed", the subject parcel is less than 2.5 acres in size and has been in the current configuration for more than 10 years, has direct access to existing utilities, and is surrounding by developed properties. A DIP is permitted for by-passed parcels that are unable to meet development standards.
- 1.4 Consistent with the requirements of a DIP, deviation to current development standards are necessary to accommodate development of this site with a viable use. The deviations that have

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been approved will allow development of the site in a manner consistent with development on the southeast and southwest corners of the intersection.

- 1.5** Future widening of Lindsay Road is unlikely to occur in the near future, and while right-of-way, the dedicated area will effectively serve as an approximately 15-foot wide landscape setback. A 15-foot setback from Lindsay Road is consistent with the setback for development to the north and the 16'-4" setback from University Drive is greater than the setback for development to the west. Landscape quantities generally consistent with full Code requirements have been provided within these reduced setbacks.
- 1.6** Due to the significantly reduced setbacks a high quality building with architecture that exceeds the minimum design standards is necessary to allow the building to become the streetscape. The DRB members reviewed the proposal as a work session item on October 1, 2008. The DRB members provided several comments on the buildings architecture, including suggestions for improvement.
- 1.7** Concerns related to foundation base width, provision of high quality building architecture, signage, the proximity of the Lindsay Road driveway to the intersection, the placement of a screen wall within the right-of-way, and a General Plan policy relating to automotive uses on arterial street intersections. have been addressed by the applicant or through conditions of approval. Sufficient justification exists for the requested DIP. The applicant has provided a development that meets the intent of current development standards, while allowing the development of a reasonably sized and economically viable building.
- 1.8** Consistent with SUP requirements, approval of the requested DIP will result in a development that is consistent with the intent of current Zoning Ordinance development standards. The development of an architecturally high quality building will mitigate the automotive feel of the development, consistent with the intent of the General Plan. Based on the surrounding commercial land uses, the distance to residential uses, and the intervening commercial buildings, the proposed carwash would be compatible with and not detrimental to adjacent properties of the neighborhood.

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Case No.: BA08-055

Location: 2929 East Main Street

Subject: Requesting: 1) a Special Use Permit (SUP) to allow the placement of manufactured homes on recreational vehicle spaces; 2) a variance to allow the use of an existing nonconforming sign; and 3) a variance to allow a detached sign within the future width line; all in the R-4 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 Thomas, seconded by Boardmember McCray to approve case BA08-055 with the following conditions:

1. *Compliance with the site and landscape plans submitted, unless modified by the conditions below.*
2. *Any new detached monument signs shall comply with current Code requirements for sign height, sign area and sign design.*
3. *Prior to the issuance of sign permits, the property owner shall record a Sign Agreement for any new detached monument signs.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1 The Special Use Permit allows the placement of MHs on RV spaces within the 47 acre Palm Gardens development. In total, 115 RV spaces are eligible for placement of MHs. The approval also includes variances to allow an existing nonconforming detached sign to remain and the placement of new detached monument signs within the future right-of-way for Lindsay Road.
- 1.2 The park exceeds the minimum requirements for overall park size criteria (47 acres where 10 acres is minimum); complies with the minimum space size criteria (average 1,400 square feet where 1,200 square feet is minimum); meets the intent of the minimum space width and depth criteria; exceeds the minimum parking criteria; exceeds the minimum open space and recreational area criteria (75,000 square feet where 43,900 square feet is minimum); and complies with the maximum enclosed floor area for units (750 square feet where 1,100 square feet is maximum).
- 1.3 The approval is consistent with the recently approved Zoning Ordinance requirements. The subject site is designated Medium Density Residential, 6-10 dwelling units/acre in the General Plan. Consistent with the General Plan, the overall development results in a density of 9.3 dwelling units/acre and is consistent with General Plan policies that support variety in housing stock, revitalization of existing developments, and improved housing construction standards and housing efficiency.
- 1.4 The approval includes the provision of 33 trees and 262 shrubs adjacent to Lindsay Road. The new landscaping represents significant improvement in compliance with current perimeter landscaping requirements. The overall development is surrounded by a masonry screen wall.

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- 1.5** The narrow Main Street frontage provides access to a much larger parcel and the need to provide sufficient public entrance visibility to the development represents unique conditions that justify a detached sign that exceeds the height allowed by current Code. An existing screen wall installed with the most recent improvements to Lindsay Road and the unlikelihood of further widening of Lindsay Road represents unique conditions that justify the placement of conforming detached signs within the future width line of Lindsay Road, subject to recording of a Sign Agreement.
- 1.6** The applicant has performed extensive neighborhood outreach, including a neighborhood meeting (notification of meeting sent to all existing residents, property owners within 1000 feet, HOAs within ½ mile, and registered neighborhoods within 1 mile), notification of public hearing to all property owners within 300 feet of the RV park, and posting information at the development's club house. To date no opposition to this proposal has been received.

Respectfully submitted,

Jeffrey McVay, AICP
Senior Planner
Secretary, Board of Adjustment

Minutes written by Jeffrey McVay, Senior Planner

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