

Minutes

City Council Chambers, Lower Level
November 8, 2011

Board Members Present:

Garrett McCray, Chair
Nicholas Labadie, Vice-Chair
Tyler Stradling
Greg Hitchens
Cameron Jones
Danette Harris

Board Members Absent:

Diane von Borstel (excused)

Others Present:

Josh Lessard
Lyle Richardson
Anthony Chumita

Staff Present:

Gordon Sheffield
Mia Lozano-Helland
Lesley Davis
Angelica Guevara
Wahid Alam

The study session began at 4:37 p.m. The Public Hearing meeting began at 6:00 p.m. Before adjournment at p.m., the following items were considered and recorded.

Study Session began at 4:37 p.m.

A. Zoning Administrator's Report:

1. Zoning case activity update: Mr. Sheffield provided the Board with a brief update on the progress of several projects. Comments from the Board included possible time frame for the completion of any of the projects and proposed changes to the Riverview site plan.
2. Sign Code Update: Mr. Sheffield announced that an update to the Sign Code is planned for 2012.
3. 2012 hearing dates: Hearing dates were reviewed and agreed upon, one Board comment inquiring if it would be possible to take one summer month off.

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

Public Hearing 6:00 p.m.

- A. Consider Minutes from the October 19, 2011 Meeting A motion was made to approve the minutes by Board member Labadie and seconded by Boardmember Jones. Vote: Passed 6-0
- B. Consent Agenda #1 a motion to approve the consent agenda as read was made by Board member Jones and seconded by Board member Harris. Vote: Passed 5-0 (Hitchens – abstained, von Borstel - absent)

Consent Agenda #2 a motion to approve the consent agenda as read was made by Board member Jones and seconded by Board member Harris. Vote: Passed 6-0 (von Borstel – absent)

**Board of Adjustment Meeting
November 8, 2011**

- Case No.:** BA11-045
- Location:** 225 South Dobson Road
- Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the Development of an industrial building in the LI zoning district. (PLN2011-00244) **Continued from the October 19, 2011 meeting.**
- Decision:** Approved with conditions
- Summary:** This case was on the consent agenda and not discussed on an individual basis.
- Motion:** It was moved by Board member Stradling, seconded by Board member Jones to approve case BA11-045 with the following conditions:
1. *Compliance with the site and elevations submitted, except as modified by the conditions listed below.*
 2. *The City of Mesa has agreed to install landscape improvements along Dobson Road as part of the Dobson Road Bicycle and Pedestrian Route Improvement Project within the 15' front setback. The project is grant funded, if for any reason, the landscape improvements are not installed with this project, the landscape improvements shall be installed by the property owner within six months of notification by the City of Mesa. If this occurs, landscape material quantities shall be provided as indicated in Chapter 33 of the Zoning Ordinance Table 11-33-3-A-4.*
 3. *Future outdoor storage shall comply with Sec.11-30-9.*
 4. *Existing asphalt within the 15' landscape setback adjacent to Dobson Road in front of the proposed screen wall to be removed prior to issuance of final certificate of occupancy.*
 6. *A 15' wide landscape easement as measured from the future right-of-way line shall be granted to the City of Mesa for the Dobson Road Bicycle and Pedestrian Route Improvement Project.*
 5. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*
- Vote:** Passed 6-0-1 (von Borstel absent)

Findings:

- 1.1 The existing development has been vacant for many years. The approved improvements along with City requested improvements to the landscaping, are in substantial conformance with code requirements.
- 1.2 The applicant's narrative detailed operations of a manufacturing business and anticipated the number of employees at any given time. The operations are such that employees work on staggered shifts, thereby reducing the need for the required 218 parking spaces. Should the site change users and require higher parking ratios, a 60,000 s.f. truck staging area can be converted to parking. The truck area is located between the building and Dobson Road.

**Board of Adjustment Meeting
November 8, 2011**

- 1.3** An important component of the SCIP program is recognizing the degree of change an applicant is making. These changes, along with commensurate upgrades to the site, bring the project into compliance with the current ordinance requirements in a manner that is proportionate to the plan without causing wholesale demolition to take place. This project provides a good balance between the approved improvements and deviations.

**Board of Adjustment Meeting
November 8, 2011**

- Case No.:** BA11-046
- Location:** 1500 and 1562 East Baseline Road
- Subject:** Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan in the AG zoning district. (PLN2011-00281)
- Decision:** Approved with conditions
- Summary:** This case was on the consent agenda and not discussed on an individual basis.
- Motion:** It was moved by Board member Stradling, seconded by Board member Jones to approve case BA11-046 with the following conditions:
1. *Compliance with the site plan submitted except as modified by the conditions below.*
 2. *Compliance with all conditions of Z75-012, ZA05-067, BA76-029 and DR04-84, except as modified by this request.*
 3. *Placement of the signs must be in compliance with all City of Mesa standards.*
 4. *The LED message shall remain static for a minimum of 15 seconds, and may transition to another message in compliance with the requirements of Section 11-41-8.D.17.a*
 5. *The proposed monument sign shall not be taller than 12-feet high and the message area no more than 29.08 sq. ft. (19.02 sq.ft. for static message panel and 10.06 sq.ft. for LED message board).*
 6. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Findings:

- 1.1 The cemetery is currently zoned Agriculture (AG). Standard sign ordinance requirements for the AG district permit one non-illuminated sign per lot or parcel not exceeding six square feet in area or six feet in height. The existing five signs were authorized as a part of the approved Special Use Permit for the cemetery and adjacent mortuary facility. This approval focused specifically on the sign program for the site, and involved the approval of an electronic message panel.
- 1.2 There are five existing directional signs attached to the perimeter wall, two off of Baseline on both side of the driveway each approximately 43 sq. ft., two more off of Harris Drive on both side of the driveway each approximately 43 sq. ft. and one attached to the corner wall along the Baseline and Harris intersection approximately 50 sq.ft. The applicant was approved for a new monument sign with a LED message board.
- 1.3 The area of the monument sign with LED message board is approximately 8'-6" wide x 12' tall x 2' deep, and is located 5'-6" north of the fence (65'-6" north of the centerline of the Baseline Road). The area of the monument sign is approximately 29.08 square feet and is located along Baseline Road. The size of this sign is consistent with signs that would be authorized for mortuaries otherwise found in the LC district.
- 1.4 The Queen of Heaven Cemetery and Mortuary facility is approximately 60 acres in size with approximately 1,286' frontage along Baseline Road and 1,692' along Harris Drive.

**Board of Adjustment Meeting
November 8, 2011**

- 1.5** The design of the new monument sign is compatible with the architecture of the mortuary building and consistent with the existing sign and will be located out of the future rights-of-way of Baseline Road.

- 1.6** The approved Comprehensive Sign Plan in conjunction with the recommended conditions ensures that signs will be compatible with, and not detrimental to, surrounding properties.

**Board of Adjustment Meeting
November 8, 2011**

Case No.: BA11-047

Location: 3750 East Main Street

Subject: Requesting: 1) a Development Incentive Permit (DIP) to allow the development of recreational facilities; and 2) a Variance to allow a fence to exceed the maximum height allowed; all in the LC zoning district. (PLN2011-00266)

Decision: Continued to the December 13, 2011 meeting

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

Motion: It was moved by Board member Stradling, seconded by Board member Jones to continue case BA11-047 to the December 13, 2011 meeting.

Vote: Passed 6-0-1 (von Borstel absent)

**Board of Adjustment Meeting
November 8, 2011**

Case No.: BA11-048

Location: 26 North Matlock Street and 33 North Miller Street

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the conversion of an existing single family home into a commercial kitchen in the RM-2 zoning district. (PLN2011-00195)

Decision: Continued to the December 13, 2011 meeting

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

Motion: It was moved by Board member Jones, seconded by Board member Harris to continue case BA11-048 to the December 13, 2011 meeting.

Vote: Passed 5-0-2 (Hitchens abstained, von Borstel absent)

* * * *

**Board of Adjustment Meeting
November 8, 2011**

Case No.: BA11-049

Location: 6704 East Broadway Road

Subject: Requesting a Special Use Permit (SUP) to allow a commercial communication tower to exceed the maximum height allowed in the LC zoning district. (PLN2011-00252)

Decision: Approved with conditions

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

Motion: It was moved by Board member Stradling, seconded by Board member Jones to approve case BA11-049 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions below.*
2. *The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Ten palm fronds shall be a minimum of 10-feet in length.*
3. *Provide cladding on the trunk of the monopalm to resemble the bark of a natural palm tree.*
4. *Provide a palm frond bulb growth otherwise known as a pineapple below the palm fronds.*
5. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the palm fronds.*
6. *The commercial communication tower shall have a maximum height of sixty-five feet (65').*
7. *The antennas shall not exceed 72" long x 11.2" wide x 5.2" deep.*
8. *The 37' x 37'-8" triangular lease area containing the equipment shelter and generator shall be screened by an 8' high masonry wall and solid metal gates.*
9. *The operator of the monopalm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
10. *Provide a permanent, weather-proof identification sign, approximately 16 inches by 32 inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.*
11. *No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
12. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
13. *Maintenance of the facility shall conform to the requirements of section 11-35-5-1.*

Vote: Passed 6-0-1 (von Borstel)

**Board of Adjustment Meeting
November 8, 2011**

Findings:

- 1.1** This Special Use Permit (SUP) allows the placement of a 65-foot high monopalm behind the existing shopping center. The applicant notified all property owners within 300-feet of the project and no comments or concerns were received from neighbors.
- 1.2** Based on the plans submitted, identified as site PHO Baywood, the Commercial Communication Tower, the associated equipment shelter and emergency generator will be located within a 37' x 37'-8" triangular lease area located at the rear of the shopping center. The applicant will install a 12' wide x 20' long shelter and generator with an 8' tall masonry wall with solid metal gates to adequately screen the shelter, generator, and all associated equipment.
- 1.3** The monopalm will be 65-feet high and will resemble a date palm. The array of the monopalm consists of three sectors, each with three antennas, for a total of nine antennas. The antennas will be 72" long x 11.2" wide x 5.2" deep.
- 1.4** Staff is added a condition of approval requiring 65 palm fronds to help screen the antennas. Of the 65 palm fronds, ten fronds shall be a minimum of ten-feet in length. In addition, the antennas and all mounting hardware will be painted to match the green color of the palm fronds. Below the palm fronds, a growth bulb otherwise known as the pineapple shall be provided as shown on the elevations of the monopalm. Further, cladding resembling the bark of a natural date palm shall be provided along the entire length of the pole, making the monopalm trunk appear more realistic.
- 1.5** The tower will be 410' from the right-of-way to the south, 170' from the north property line, 98' from the west property line, and 93' from the east property line. Staff had no concerns with the location of the communication tower or its proximity to the property lines.
- 1.6** The existing site has numerous existing mature palm trees at the west and northeast ends of the shopping center. Visibility of the monopalm will be minimized due to the numerous existing antennas within the shopping center. In addition, the conditions of approval ensure the materials used to conceal the antennas will minimize its visibility. As a result, the monopalm will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

* * * *

**Board of Adjustment Meeting
November 8, 2011**

Case No.: BA11-050

Location: 1400 South Dobson Road

Subject: Requesting a modification of a Special Use Permit (SUP) for a Comprehensive Sign Plan in the NC DMP zoning district. (PLN2011-00280)

Decision: Approved with conditions

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

Motion: It was moved by Board member Stradling seconded by Board member Jones to approve case BA11-050 with the following conditions:

1. *Compliance with the sign plan submitted except as modified by the conditions below.*
2. *Any additional signage not identified with this Sign Plan will require modification to this Special use Permit.*
3. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

Vote: Passed 6-0-1 (von Borstel absent)

Findings:

- 1.1 A previously approved CSP (BA09-016) set sign specifications and requirements for the Banner Desert and Cardon Children's Medical Centers. This approval modifies the previous case that allowed an additional sign on the garage facing the freeway for Banner Desert and Cardon Children's Medical Center. The modification includes a 336 s.f. sign consisting of a halo illuminated heart logo and illuminated pan channel letters mounted to the fascia of the garage.
- 1.2 This case focused solely on a revision to allow one additional attached sign that will be visible from the freeway. The garage wall parallel to the freeway where the sign will be installed has 185' of frontage within the 68.6± acre medical campus
- 1.3 The garage has over 78,000 s.f. of area per floor and the letters have been designed to mount flush on the south elevation of the garage parallel to the freeway. The 336 s.f. sign looks proportional to the area of the south elevation of the garage. The signage has been well designed and eliminates the need for a future freeway sign adjacent to the freeway.
- 1.4 The attached sign for the parking garage is proportional to the 185' wide 3-story, 234,000± s.f. garage. The 6'-6" tall "Banner Health" heart logo and 3'-0" and 2'-6" tall letters comprising the 336 s.f. sign area have been selected appropriately for the garage which the applicant indicated was necessary in order to provide proper visibility and identification from the perimeter of the 68.6 ± acre site having 1,600± feet of frontage on the freeway.

**Board of Adjustment Meeting
November 8, 2011**

Case No.: BA11-051

Location: 1705 East Main Street

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing retail store in the GC zoning district. (PLN2011-00279)

Decision: Approved with conditions

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

Motion: It was moved by Board member Stradling seconded by Board member Jones to approve case BA11-051 with the following conditions:

1. *Compliance with the site and landscape plan submitted except as modified below.*
2. *Provide 5 trees and 27 shrubs along the Main Street frontage and 5 trees and 44 shrubs along the Williams frontage and 6 trees and 15 shrubs along the south property line with the shrubs located in visible locations.*
3. *Compliance with all requirements of the Design Review Board.*
4. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed 6-0-1 (von Borstel absent)

Findings:

- 1.1 This Substantial Conformance Improvement Permit (SCIP) allows the expansion of an existing AutoZone. The property is zoned GC allowing the use and is surrounded by commercial uses.
- 1.2 The applicant was approved for deviations from the current Code requirements related to building and landscape setbacks, landscaping requirements, foundation base, and parking lot landscape requirements.
- 1.3 Staff recommended additional improvements to the landscape plan to provide increased compliance with current Code requirements.
- 1.4 The site plan and building addition required review and approval of an Administrative Site Plan Review and Design Review approval. The applicant had a 'Work Session' with the Design Review Board on November 2, 2011. At the 'Work Session' the Board requested some additional shrubs be included along the south property where they will not be blocked by the Solid Waste enclosure or the building. Staff included a condition of approval to reflect this Design Review Board comment
- 1.6 The site plan, including the conditions of approval, provides substantial conformance with current development standards and demonstrates site improvements that will benefit the property owner and surrounding neighborhood. The degrees of improvement, with staff's conditions of approval are roughly proportional to the degree of change with the addition to the building.

**Board of Adjustment Meeting
November 8, 2011**

- Case No.:** BA11-052
- Location:** 1354 West Escarpa Street
- Subject:** Requesting a Variance to allow an addition into the required side yard in the RS-9 zoning district. (PLN2011-00278)
- Decision:** Approved with conditions
- Summary:** This case was on the consent agenda and not discussed on an individual basis.
- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve case BA11-052 with the following conditions:
1. *Compliance with the site plan and exhibits submitted.*
 2. *Western wall of the carport structure shall be 3" from the west property lines.*
 3. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*
- Vote:** Passed 6-0-1 (von Borstel absent)

Findings:

- 1.1 This variance allows a 642 square foot carport structure within the side yard setback of the subject parcel. The storage shed will encroach nine-feet into the required ten-foot side yard setback. When encroaching into the side yard setback only, Code permits *detached accessory buildings* with a maximum height of eight feet and maximum size of 150 square feet. To be considered a detached accessory building, a minimum six-foot separation is required from the house, again by definition. The carport structure is attached to the house and thus, by definition, the house is encroaching into the setback.
- 1.2 The subject site is Lot 105 of the Eaton Club Estates subdivision. This subdivision requires seven and ten-foot side yard setbacks.
- 1.3 The carport had been constructed and was the subject of a Code Compliance Case (COD2010-01563), for construction without the benefit of a building permit. While the structure is constructed, the Board reviewed this case as if it were still just a plan on paper, giving neither penalty for the construction completed without the correct authorization, nor concern for having to maintain the applicant's investment.
- 1.4 The applicant did have some unusual conditions on the property which they have cited in their Justification and Compatibility Statement. A significant portion of the rear of the lot is unusable due to an SRP easement with a steep slope. The slope begins before the easement area, which affects the ability to place a carport structure in the rear yard setback. The Board felt there was support for a variance on this property to construct a carport structure in the side yard; however the degree of the variance with a one-foot setback to the property line was not supported. The Board approved an encroachment with a three-foot setback from the property line.

**Board of Adjustment Meeting
November 8, 2011**

- 1.5** Review of Planning Division records indicated a variance had been granted along this street to allow a two-foot encroachment into a side yard setback for an open patio. Also, it is important to note, that the 10' side yard setback is to provide rear yard access. The carport structure is accessible by gates and a vehicle could access the rear yard through the carport.

**Board of Adjustment Meeting
November 8, 2011**

Case No.: BA11-033

Location: 901 South Dobson Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of the parking lot entrance in the RM-4 zoning district. (PLN2011-00292)

Decision: Approved with conditions

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

Motion: It was moved by Board member Stradling seconded by Board member Jones to approve case BA11-053 with the following conditions:

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
2. *New parking spaces to maintain a 20' setback from Emelita Ave.*
3. *Layout to be adjusted as depicted in the exhibit redlined by staff with final details to be approved by staff to accommodate the Fire Department truck turning radius requirements.*
4. *All missing trees and shrubs shall be replaced to comply with the approved landscape plan.*
5. *Compliance with all requirements of the Development Services Office with the issuance of building permits.*

Vote: Passed 6-0-1 (von Borstel absent)

Finding:

- 1.1 The existing development was constructed in the early 80's under a different zoning code. The approved improvements with staff's conditions for approval help bring the site into substantial conformance with code requirements.
- 1.2 An important component of the SCIP program is recognizing the degree of change an applicant is making. These changes, along with commensurate upgrades to the site, bring the project into compliance with the current ordinance requirements in a manner that is proportionate to the plan without causing wholesale demolition to take place. This project provides a good balance between the approved improvements and deviations

**Board of Adjustment Meeting
November 8, 2011**

C. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

G: Board of Adjustment/Minutes/2011/November 2011