

Board of Adjustment Minutes



**City Council Chambers, Lower Level
April 11, 2006**

Board members Present:

David Shuff, Chair
Greg Lambright, Vice Chair
Randy Carter
Mike Clement
Dina Higgins
Dianne von Borstel
Roxanne Pierson

Staff Present:

Gordon Sheffield
Jeff McVay
Lena Butterfield
John Wesley

Board members Absent:

(none)

Others Present:

Regina Thompson
Gregory Estrada
Scott Quinn
David Paddison
Richard North
David Udall
Kelee Walton
David Jones
Mark Tuttle
Doug Himmelberger
Steve Phillips

The study session began at 4:30 p.m. The Public Hearing began at 5:30 p.m. before adjournment at 6:20 p.m., the following items were considered and recorded on Board of Adjustment Tape #344, and 345.

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 March 21, 2006 Meeting A motion was made to approve the minutes by Boardmember Higgins and seconded by Boardmember Pierson. Vote: Passed 7-0
- B. Consent Agenda A motion was made by Boardmember Carter to approve the consent agenda as read and seconded by Boardmember von Borstel. Vote: Passed 7-0

**Board of Adjustment Meeting
April 11, 2006**

Case No.: BA05-039

Location: 905 North Country Club Drive

Subject: Requesting a Substantial Conformance Improvement Permit to allow the development of an office building in the O-S district.

Decision: Tabled indefinitely

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

Motion: It was moved by Mr. Carter, seconded by Ms. von Borstel to table this request indefinitely.

Vote: Passed 7-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
April 11, 2006**

Case No.: BA05-049

Location: 2020 East Brown Road

Subject: Requesting a Special Use Permit to allow the modification of a Special Use Permit to allow a Commercial Communication Tower in the O-S zoning district.

Decision: Withdrawn

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

Motion: It was moved by Mr. Carter, seconded by Ms. von Borstel to accept the withdrawal of this case.

Vote: Passed 7-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
April 11, 2006**

Case No.: BA06-018

Location: 3940 East Palm St

Subject: Requesting a temporary variance to allow an alternative dust-proof surface in lieu of the requirement for paved parking in conjunction with a phased development in which the primary use will not be constructed for a period up to two years in the M-1 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 Mr. Carter, seconded by Ms. von Borstel approve this case with the following conditions:

1. *Compliance with current Zoning Code requirements unless modified by the conditions listed below.*
2. *The variance shall be approved for a period of eighteen (18) months and shall expire on October 11, 2007. On the date of expiration, new construction will occur in accordance with current Code requirements or the temporary improvements removed.*
3. *The construction of the primary use and all necessary site improvements shall be completed by April 11, 2009.*
4. *Compliance with a letter from Mr. Gregory L. Hitchens, which is include in the case file for this application, dated March 29, 2006 in regards to the phasing of development on the subject parcel.*
5. *Installation of a dust-proof surface for the parking lot consistent with Section 8-6-2 of the Mesa City Code.*
6. *Compliance with all conditions of approval for Zoning Case Z99-099.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits*

Vote: Passed 7-0

Finding of Fact:

- 1.1 The applicants are proposing a phased development plan for the construction of a permanent business that requires a temporary variance to store the business' vehicles on an industrial lot while planning a constructing the primary use.
- 1.2 The first phase of development will include the construction of the perimeter fence and landscaping which will minimize the impact on surrounding properties.
- 1.3 The requested 18-month temporary variance is a reasonable amount of time to plan and construct the primary use, and allow the applicant to comply with the requirements of a Code Compliance citation in regards to the storage of vehicles on a residential lot.
- 1.4 Section 8-6-2 of the Mesa City Code defines a dust-proof surface as concrete, asphalt, "chip seal", or crushed rock or aggregate that is a minimum of three inches thick. A permanent border must contain all crushed rock or aggregate.

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**Board of Adjustment Meeting
April 11, 2006**

- Case No.:** BA06-019
- Location:** 3120 North Red Mountain
- Subject:** Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the R1-90 zoning district.
- Decision:** Approved with Conditions
- Summary:** Chairman Shuff declared a conflict of interest and recused himself from the discussion, and decision on this case. Boardmember Lambright chaired discussion.
In advance to the public hearing, staff received letters in opposition to this case from Karen Botter, Tom and Mary Anne Krause, Jackie VanDemark, Jayne Sinden, Maryann and Edward Lorenzen. Letters in support of this case were received from Dean and Kimberly Wolff, Dean Sharratt, and Joe Rommell.
Mr. Scott Quinn, representing Cingluar, described the 50-foot monument clock tower with stucco finish to the board adding that an additional two carriers would be able to co-locate on the tower.
Boardmember Lambright inquired about the materials that would be used to cover the communication tower.
Mr. Quinn responded that the sections of the tower covering the antennas would be made of fiberglass inside with a stucco finish and the remainder would be masonry with a stucco finish.
Boardmember Higgins requested clarification of the tower camouflage.
Mr. Quinn responded that the tower will completely within a solid triangle monument with each side 11-feet wide. Additionally all three sides will have a functional clock.
Ms. Regina Thompson, neighbor, expressed her concern with the disruption of Red Mountain views because of the tower, and noted that she has good cellular service.
- Motion:** It was moved by Ms. Higgins and seconded by Ms. Pierson to approve case BA06-019 with the added stipulation that the Commercial Communication Tower meets all FCC guidelines, along with the following stipulations:
1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
 2. *Review by the Las Sendas Architectural Committee.*
 3. *Compliance with the requirements of Mesa Design Review staff in regards to the design of the Commercial Communication Tower.*
 4. *The Commercial Communication Tower shall comply with all Federal Communication Commission regulations.*
 5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Vote:** Passed 6-0-1 (Mr. Shuff abstaining because of a declared a conflict of interest)

**Board of Adjustment Meeting
April 11, 2006**

Finding of Fact:

- 1.1 The proposed 50-foot tall Commercial Communication Tower (CCT) has been located and designed to minimize the visual impact and is compatible with and not detrimental to surrounding properties.
- 1.2 The CCT is an allowed use in the R1-90 Zoning District subject to granting a Special Use Permit, complies with the Commercial Communication Towers Guidelines adopted by City Council, and would be compatible with and not detrimental to surrounding properties.
- 1.3 The communication tower will be designed and concealed within a structure designed to be architecturally compatible with the adjacent elementary school and in a manner that is sensitive to the visual impact the communication tower may make on nearby residential uses.
- 1.4 The communication tower will comply with all the Federal Communication Commission requirements.

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**Board of Adjustment Meeting
April 11, 2006**

Case No.: BA06-20

Location: 3701 East Southern Ave

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan 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 Mr. Carter, seconded by Ms. von Borstel approve this case with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*
3. *Attached signage for Major Tenants and Shop Tenants shall only be allowed on building elevations that have frontages on either Southern Avenue or Val Vista Drive.*
4. *Existing non-conforming attached building and tenant signage shall be brought into conformance with the Comprehensive Sign Plan and the City of Mesa Sign Code under any of the following conditions:*
 - (a) The quality of the sign cannot be maintained through normal maintenance or repair, or*
 - (b) A sign permit is required, or*
 - (c) A building permit or change of occupancy is required.*

Vote: Passed 7-0

Finding of Fact:

- 1.1 The Sign Ordinance would allow an aggregate total of 46.4 feet in height and 463.75 square feet in sign area for detached signs along Southern Avenue and an aggregate total of 30.3 feet in height and 303 square feet in sign area for detached signs along Val Vista Drive.
- 1.2 The proposed Comprehensive Sign Plan proposes an aggregate total of 34.5 feet in height and 127.25 square feet in sign area between five detached signs along Southern Avenue and an aggregate total of 34 feet in height and 133.25 square feet in sign area between three signs along Val Vista Drive. New detached signs would have a coordinated design theme and no new sign would exceed 12 feet in height or 80 square feet in sign area.
- 1.3 The existing Exxon gas station and Val Vista Executive Suites were developed before the Corporate Center at Val Vista and were exceptions to that development. The existing detached signs for these uses have been included in the aggregate totals for sign height and area because of the relation to the group commercial/office center, but have not been included in the proposed Comprehensive Sign Plan.
- 1.4 The Comprehensive Sign Plan proposes requirements for the number and size of attached signage for Major and Shop Tenants, which is consistent with that allowed by current Code.
- 1.5 The Comprehensive Sign Plan proposes maximum aggregate sign area for Pad Tenants that is significantly greater than would be allowed by current Code. No unique conditions exist for the Pad Tenants to justify such increased number and sign areas over current Code maximums for attached signage.

**Board of Adjustment Meeting
April 11, 2006**

Case No.: BA06-021

Location: 6644 East Baywood Ave

Subject: Requesting a Special Use Permit for the modification of a Comprehensive Sign Plan in the C-1-BIZ zoning district.

Decision: Approved with Conditions

Summary: This case was on the consent agenda and not discussed on an individual basis. The request involved a Comprehensive Sign Plan for the Banner Baywood Medical Campus, including the general practice and heart hospitals, and several medical office buildings as outlined on their approved campus master plan.

Motion: It was moved by Mr. Carter, seconded by Ms. von Borstel approve this case with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*
3. *Detached sign identified as Type A.4, Location #1 in the Comprehensive Sign Plan shall have a maximum height of fourteen feet (14') and sign area of one-hundred (100) square feet.*
4. *Attached signs identified as Type D.1, Location #20A; Type D.1, Location #20B; Type D.2, Location #21; Type E, Location #24; Type F, Location #30; Type F, Location #23; and Type F, Location #22 shall be approved as submitted.*
5. *Attached parking garage signs Type F, which read "Entrance", "Exit", and "Complementary Parking" shall be approved as submitted.*
6. *Attached signs not listed in Condition 4 and 5 above shall require Zoning Administrator staff review and approval prior to submittal for sign permits.*

Vote: Passed 7-0

Finding of Fact:

- 1.1 The Sign Ordinance would allow an aggregate total of 17 feet in height and 170 square feet in sign area for detached signs along Power Road and an aggregate total of 147 feet in height and 1,470 square feet in sign area for detached signs along Baywood Avenue.
- 1.2 The proposed Comprehensive Sign Plan proposes an aggregate total of 28 feet in height and 151 square feet in sign area between two signs along Power Road and an aggregate total of 84 feet in height and 373 square feet in sign area between seven signs along Baywood Avenue.
- 1.3 All detached signs would have a coordinated design theme. One detached sign located on the corner of Power Road and Baywood Avenue is proposed at 16 feet in height and 104 square feet in area. Staff recommends that this sign have a maximum height of 14 feet and maximum sign area of 100 square feet. The increase in aggregate sign height adjacent to Power Road is justified by an aggregate sign height adjacent to Baywood Avenue that is significantly less than could be allowed by current Code and the added need for proper site identification for the hospital.

**Board of Adjustment Meeting
April 11, 2006**

- 1.4** The proposed Comprehensive Sign Plan proposes locations for detached signs interior to the campus for improved wayfinding. Such signs have a coordinated design theme with other signs on the campus.
- 1.5** The Comprehensive Sign Plan proposes several attached signs, which exceed the maximum number and sign area allowed by current Code. Justification for such increases in number and area includes the unique characteristic of having two major hospitals on the same campus and the scale of the buildings.
- 1.6** Due to the evolving nature of the medical campus, locations for attached signs on future buildings or building expansions that will provide building identification have been proposed. The content and the specific size or area of these signs will not be determined until construction of the future buildings has occurred. It is recommended that these signs have Zoning Administrator staff review to ensure consistency with the Comprehensive Signs Plan and current Code requirements.

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**Board of Adjustment Meeting
April 11, 2006**

Case No.: BA06-005

Location: 1051 N Dobson Rd

Subject: Requesting a Special Use Permit (SUP) to modify a Comprehensive Sign Plan for a group commercial center in the C-3 zoning district.

Decision: Approved with Conditions

Summary: Mr. Dave Udall, representing Bass Pro, stated that Bass Pro is in agreement with the staff recommendation, with the exception of the requiring the removal of signs R, S, and T. In support of keeping the signs, Mr. Udall explained that:

1. Bass Pro is more than a regular sporting goods store, it is a destination; and
2. The signs are integrated into the building: if they were to move the signs behind the windows as suggested by staff, the signs would detract from the building's architecture; and
3. Bass Pro fronts onto a freeway, will have a Freeway Monument Sign, so the modifier signs will not distract people driving on the freeway; and
4. Bass Pro would really like to have them.

In closing, Mr. Udall showed a 9-minute video explaining some of the features of a typical Bass Pro Shop.

After general discussion, the board agreed that the modifier signs fit with the architecture of the building. Boardmember Carter verified with Mr. Mark Tuttle, representing Bass Pro, that the signs are recessed into the architecture. Boardmember Clement asked whether or not this is a Bass Pro prototype for signs, or if they were working with the City to try and follow the sign code. Mr. Tuttle responded that Bass Pro does not have a prototype for signs, they work with cities in order to come up with a sign plan that works for both Bass Pro and the city in question. He continued by noting the amount of signage requested is less than similar sized Bass Pros in other cities.

The board acknowledged the representatives of Bass Pro and welcomed them to the community.

Motion: It was moved by Ms. Higgins, and seconded by Ms. von Borstel to approve the Bass Pro sign plan with the following conditions:

1. *Compliance with the sign plan as submitted, except as modified by the conditions listed below.*
2. *Compliance with all other conditions of approval for case BA06-005 as decided by the Board of Adjustment on February 14, 2006 and recorded in the minutes of that meeting.*

Vote: Passed 7-0

**Board of Adjustment Meeting
April 11, 2006**

Finding of Fact:

- 1.1** This request is an extension of the original case filed for the Mesa Riverview project. As part of the request, sign areas in excess of the Sign Ordinance maximum have been requested for Bass Pro Shops and its secondary functions. By ordinance, to approve sign areas and sign numbers which exceed Sign Ordinance maximums, the Board is required to find that unique conditions are present regarding the site, the development, or the sign plan itself.
- 1.2** Retail tenants for most projects typically side or front onto a public street. The Bass Pro project sides to Dobson Road, and fronts onto the Loop 202 freeway.
- 1.3** This project is setback a considerable distance (about 400') from the above grade Loop 202 freeway, and is also setback 600 feet from Dobson Road, with intervening pad sites adjacent to Dobson Road. Attached sign areas above ordinance maximums, as proposed, are needed to allow the signs to be reasonably visible and/or legible from the freeway under those conditions.
- 1.4** The building has a large floor area (in excess of 187,00 sqft) and is quite tall (40' in most places, 60' high at the top of the center gable). The size of the building, both vertically and horizontally, exceeds almost every other retail building in Mesa. The size and number of signs are proportional to the building's scale, and do not appear to overwhelm the building's design.
- 1.5** Attached modifier signs R, S, and T fit with and do not detract from the architecture of the building.
- 1.6** Unique conditions are present in the form of both the development site, and in the type of development being requested.

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Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Lena Butterfield, Planning Assistant