



BOARD OF ADJUSTMENT MINUTES

April 8, 2003

Board members Present:

David Shuff, Chair
Jared Langkilde, Vice Chair
Roxanne Pierson
Clark Richter
Skip Nelson
Greg Hitchens

Staff Present:

Gordon Sheffield
Krissa Hargis

Board members Absent:

Webb Crockett (Excused)

Others Present:

Sean Lake
Randy Carter
Stephen Earl
Others

Before adjournment at 5:45 p.m., the following items were considered and recorded on Board of Adjustment Tape # 290.

Study Session 4:30 p.m.

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

Public Hearing 5:30 p.m.

- A. Consider Minutes from the March 11, 2003 Meeting:

It was moved by Board member Hitchens, and seconded by Board member Richter, that the minutes of the March 11, 2003 Board of Adjustment meeting be approved.

- B. Vote: Passed, 6-0

- C. Case BA03-015 was added to the consent agenda in order to continue it for 30 days.

Board of Adjustment Meeting
«April 8th 2003»

- Case No.: BA03-009
- Location: 1163 East McKellips Road
- Subject: Requesting variances to: 1) allow parking to encroach into the front landscape area; and 2) reduce the width of the required perimeter landscape areas, in conjunction with the development of a drug store in the C-2 zoning district.
- Decision: Approved with conditions.
- Summary: This case was on the consent agenda and was not discussed individually.
- Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved with the following condition:
1. Compliance with the revised site plan, drawn by Andrews Design Group and dated 3/13/03, except as modified by the conditions listed below;
 2. Compliance with all requirements of the Design Review Board;
 3. Compliance with all requirements of the Building Safety and Development Engineering Sections of the Development Services Department;
 4. Planting vines along the west elevation of the building, subject to review and approval by the Design Review Board staff.
- Vote: Passed 6-0
- Finding of Fact:
- 1.1 The applicant would like to construct a 13,000 square foot building, the use is permitted within the C-2 district, and the scale of the use is consistent with surrounding commercial uses.
 - 1.2 The applicant has submitted a site plan that largely complies with the dimensional requirements of the recently revised site development standards. The two dimensional requirements that are not in compliance have been designed in such a manner as to reduce the potential impact on adjacent properties. The first requested, reduction in the landscape area along Stapley to 21', is 9' less than the required 30'. To offset the 9' encroachment of the parking lot, parking landscape islands have placed at a ratio of one island per five spaces, an increase over the minimum of one island per eight spaces. The second request is the west side yard adjacent to the Checker Auto Parts store and the church parking lot has been reduced from 15' to 5'.
 - 1.3 The strict application of the Zoning Ordinance would deprive the applicant of privileges enjoyed by other properties in the same zoning district. The narrowness of the lot combined with the newly adopted development standards restricted the ability to develop the proposed drug store.
 - 1.4 If the variance is authorized it would not give the property owner any special privileges.

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Case No.: BA03-012

Location: 6917 E. Pueblo Ave.

Subject: Requesting a variance to allow a building to encroach into the front setback in the R1-6-PAD zoning district.

Decision: Approved.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved.

Vote: Passed 6-0

Finding of Fact:

- 1.1 This case site is part of a subdivision that was approved under Maricopa County jurisdiction and annexed by the City of Mesa in 1979. Maricopa County permitted 5-foot side setbacks. The existing home is built at or near the side setbacks leaving no room for an addition to the side.
- 1.2 The existing residence has a septic tank in the rear yard limiting the buildable area. Because this subdivision was developed in the county it is not connected to the City of Mesa sewer system.
- 1.3 The lot is pie shaped with the widest portion in the front. The circumstances are pre-existing and not caused by the applicant.
- 1.4 Because the front property line curves, and the front of the house remains relatively straight, only a portion of the garage actually aligns with the front setback. The proposed garage enclosure would encroach 3' into the front setback for only a small portion of the corner of the garage.
- 1.5 An addition to a home is generally considered to be a net improvement to a dwelling. It is an activity that is consistent with what has occurred on other homes in this general vicinity.
- 1.6 No special advantage would be created by the request because the 17' depth of the resulting garage is consistent with the depth of other garages in the subdivision.

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- Case No.: BA03-013
- Location: 730 E. McKellips Rd.
- Subject: Requesting variances to: 1) reduce the right of way dedication for McKellips Road; and 2) reduce the width of the landscape area along McKellips Road, both in conjunction with the development of a retail store in the C-2 district.
- Decision: Approved with conditions.
- Summary: Mr. Lake briefly explained the extensive work Wal-Mart has done to accommodate concerns expressed by residents surrounding the site. Most of the concerns were not relevant to the request of this hearing but Wal-Mart went above and beyond the legal requirements to accommodate the concerns.
- Motion: It was moved by Board member Nelson, and seconded by Board member Langkilde that this case be approved with the following condition:
- 1) Compliance with the revised site plan as submitted, except as modified by the conditions listed below;
 - 2) Compliance with all requirements for planting shrubs along the north and west property lines. Plant materials shall be low growing varieties with mature heights of two feet or less;
 - 3) Compliance with all requirements of the Design Review Board;
 - 4) Compliance with all requirements of the Building Inspections and Development Engineering Divisions of the Development Services Department;
 - 5) Installation of landscaping at the required numbers and sizes along the south property lines. Additional shrubs may be added to achieve an appropriate design, as determined by the Design Review Board;
 - 6) Dedication of a 10' wide Public Utility and Facilities Easements (PUFE's) along McKellips Road.
 - 7) Pallets have to be stored inside a closed building.
- Vote: Passed 6-0
- Finding of Fact:
- 1.1 The case site was zoned C-2 in 1973, and does not have any conditions attached to the zoning approval which would require an additional public hearing by either the Planning and Zoning Board or City Council. As proposed, the site plan submitted largely complies with current development standards for a large (greater than 10,000 sq.ft) retail store, with the exception of the width of the landscaping areas along McKellips Road.
 - 1.2 The Development Engineering staff has determined that additional right-of-way for McKellips Road is not needed at this site, and a public utility and facilities easement would be sufficient to accommodate traffic and infrastructure requirements.

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- 1.3 The purpose for reserving the 10' difference between the existing right-of-way and the future width right-of-way line may be accomplished through the use of a PUF. Therefore, moving the landscape setback to coincide with the existing right-of-way would permit a larger area to be utilized by the applicant.
- 1.4 Although the applicant exceeds the minimum number of parking spaces required for the size of the retail building, the additional spaces requested are consistent with national averages for retail uses. In addition, questions asked about the site plan during the two neighborhood meetings included concerns about sufficient on-site parking, over and above ordinance minimums.
- 1.5 The intent of the requested variance to reduce the shrub count along the rear and side property lines is founded in the idea that vagrants and trespassers may want to use the shrubs as a place to hide. The use of low lying plant materials would reduce this possibility and still meet the intent of softening the appearance of side and rear yards with landscape plants.

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Case No.: BA03-014

Location: 6767 E. Aspen Ave.

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of a dental office in the C-2 district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved with the following condition:

1. Compliance with the site plan and elevations submitted, except as modified by the conditions listed below;
2. Compliance with all requirements of the Design Review Board; and
3. Compliance with all requirements of the Building Safety Division of the Development Services Department.

Vote: Passed 6-0

Finding of Fact:

- 1.1 The project site qualifies as being eligible for a Development Incentive Permit (DIP). The total developable land area is less than twenty-five percent vacant within 1200' of the site, and almost all of the development within that radius was developed in excess of 20 years ago. Existing utility lines serve the property, and the parcel size is less than 2.5 acres.
- 1.2 This project is consistent with the General Plan designation for the site, and is consistent with the existing zoning for the property.
- 1.3 The Development Incentive Permit is necessary to accommodate the development. The incentives include modifications to building setbacks and landscape materials. The development meets the intent of the development provisions contained in Chapter 14 and 15 of the Zoning Ordinance.
- 1.4 The approval of the DIP will result in a development that is well matched with adjacent properties. The site is adjacent to existing offices, the Valley Lutheran Hospital, and a single residence.

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Case No.: BA03-015

Location: 615 E. McKellips Rd.

Subject: Requesting a Special Use Permit to allow a plant nursery in the R1-43 district.

Decision: Continued for 30 days.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be continued for 30 days.

Vote: Passed 6-0

Finding of Fact: N/A

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Case No.: BA03-016

Location: 9101 E. Baseline Rd.

Subject: Requesting a Special Use Permit to allow a Comprehensive Sign Plan for a group commercial development in the C-2 district.

Decision: Continued for 30 days.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be continued for 30 day:

Vote: Passed 6-0

Finding of Fact: N/A

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Case No.: BA03-017

Location: 1625 W. Southern Ave.

Subject: Requesting: 1) a Special Use Permit for a Comprehensive Sign Plan; and 2) a Special Use Permit to allow a garden center in the C-2 district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved with the following condition:

1. Compliance with the sign plan submitted, except as modified by the conditions listed below;
2. Aggregate attached sign area for the Target store shall be limited to 397 sq.ft.
3. Background colors for the sign copy on detached signs shall not be illuminated at night;
4. Compliance with the site plan and elevations submitted for the outdoor garden center, except as modified by the conditions listed below;
5. No outdoor storage or display of store inventory is permitted beyond the boundaries of the garden center as delineated on the submitted site plan; and
6. No outdoor storage or display of store inventory is permitted above the height of the garden center screening fences as shown on the submitted elevations.

Vote: Passed 6-0

Finding of Fact for the Special Use Permit for a Comprehensive Sign Plan.

- 1.1 The proposed development includes a 124,000 sq.ft. retail warehouse building with a "Garden center" outdoor display area.
- 1.2 The Target store is proposed to have three signs totaling 237 sq.ft. oriented towards South Longmore and a 160 sq.ft. sign facing Southern Avenue, which bring the aggregate attached sign area up to 397 sq.ft.
- 1.3 The Design Guidelines for signs encourage the use of individual letters for attached signs rather than cabinet forms. All of the attached signs for this center meet this guideline.
- 1.4 The size of the Target attached signs proposed for the front of the store is proportional to the overall width of the store. The 493' building/garden center front would have 36.35 lineal feet of sign length or about 14% of the front width.

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Finding of Fact for the Special Use Permit to allow accessory outdoor display of plant and garden related items.

- 2.1 The subject site was reviewed by the Planning & Zoning Board and City Council as a rezoning case. The Design Review Board has reviewed the site plan and elevations of the project. All three reviewing bodies have approved the project.
- 2.2 The garden center will be about 8% the size of the main building. Although large (about a quarter of an acre), the outdoor display area will clearly be accessory to the larger (100,000 sq.ft.) retail building.

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Case No.: BA03-018

Location: 1253 N. Greenfield Rd.

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan for a group commercial development in the C-2 district.

Decision: Continued for 30 days.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be continued for 30 day:

Vote: Passed 6-0

Finding of Fact: N/A

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Case No.: BA03-019

Location: 5237 E. McDowell Rd.

Subject: Requesting a modification of the Apache Wells Planned Area Development (PAD) to allow the development of a employee parking lot and maintenance yard in conjunction with an existing golf course in the R1-7-PAD-DMP-AS district.

Decision: Tabled.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be tabled.

Vote: Passed 6-0

Finding of Fact: N/A

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Respectfully submitted,

Gordon Sheffield, AICP
Senior Planner