



Board of Adjustment

Minutes

City Council Chambers, Lower Level
May 12, 2009

Board members Present:

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

Board members Absent:

Judah Nativio (unexcused)

Staff Present:

Gordon Sheffield
Mia Lozano-Helland
Angelica Guevarra
Wahid Alam

Others Present:

Corey Smith
Andy Gibson
Others

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:00 p.m., the following items were considered and recorded. The recording is available upon request.

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.
- B. Zoning Administrator update:
 - 1. The Board was advised of the Developer's Advisory Forum scheduled for Wednesday, May 13, 2009 at 7:30 a.m. in the lower level City Council Chambers.
 - 2. Mr. Sheffield informed the Board that he will not be in attendance at the June 9th meeting and thanked the departing Board members for their service to the Board of Adjustment.

Public Hearing 5:30 p.m.

- A. Consider Minutes from the March 10, 2009 Meeting A motion was made to approve the minutes, with a correction regarding the absence of Board member Thomas, by Board member von Borstel and seconded by Board member Sullivan. Vote: Passed 6-0
- B. Consent Agenda A motion to approve the consent agenda as read was made by Board member Thomas and seconded by Board member McCray. Vote: Passed 6-0

**Board of Adjustment Meeting
May 12, 2009**

Case No.: BA09-016

Location: 1400 South Dobson Road

Subject: Requesting a Special Use Permit (SUP) to allow development of a comprehensive sign plan in the C-1-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 Board member McCray, seconded by Board member Thomas to approve case BA09-016 with the following conditions.

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *As stipulated in Design Review Board case DR06-064 for the Banner Desert Tower, signage to be reviewed by the Design Review Board.*
3. *Specific detached sign locations to be reviewed and approved with construction drawings submitted for permitting.*
4. *Sign types A1 and I2 are each limited to 12' high and 91 s.f. sign area with 20% additional height allowed for embellishment.*
5. *Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

Vote: Passed 6-0

Findings:

- 1.1 A previously approved CSP set sign specifications and requirements for the Banner Desert Hospital. This request is to modify the previous approval to allow signage for Banner Desert and Cardon Children's Medical Center. The proposed CSP proposes five monument signs. Four signs are proposed on Dobson Road and one sign is proposed on Southern Avenue. The applicant is proposing a gradual phase-in of the signage. Some of the proposed freestanding signs will replace existing detached signs on the site, some will be installed, replacing some existing signage at a later date.
- 1.2 This CSP focuses mainly on the signage visible from Southern Ave. and Dobson Rd. Given the area of the site, 68.6 ± acres, extensive directional signage is needed throughout the site to direct traffic to the appropriate buildings within the site. In addition, the applicant proposed five illuminated directional signs "Type B" signs, 21 non-illuminated directional signs "Type C", and 100 light pole mounted parking area identification signs.
- 1.3 The proposed attached signage will require review and approval by the Design Review Board as stipulated in DR06-064 for the Banner Desert Tower. This CSP will provide the requirements for signage for this 68.6 ± acre site in regards to quantity of signs, sign area, and sign height allowed.
- 1.4 With the exception of the numerous directional signs, the proposed detached signage is consistent

**Board of Adjustment Meeting
May 12, 2009**

with the Sign Ordinance. The two proposed attached signs for the Tower are proportional to the 126' tall 7-story Tower and 454,520 s.f. building. The 6' tall "Banner Health" logo and 2'-0" and 2'-10" tall letters comprising the 75 s.f. and 139 s.f. sign areas have been selected appropriately for the tower which are necessary in order to provide proper visibility and identification from the perimeter of the 68.6 ± acre site.

- 1.5** The Zoning Code allows an aggregate total of 105 feet in height and 1,050 square feet in sign area for detached signs along Dobson Road and would allow an aggregate total of 75 feet in height and 750 square feet in sign area for detached signs along Southern Avenue.

* * * * *

**Board of Adjustment Meeting
May 12, 2009**

Case No.: BA09-018

Location: 5416 and 5515 East Redmont

Subject: Requesting a Minor Modification of a Planned Area Development (PAD) to allow the construction of industrial developments in the M-1-PAD 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 Board member McCray, seconded by Board member Thomas to approved case BA09-018 with the following conditions.

1. *Compliance with the site plan submitted, this approval is only for lots 10 and 11 of the Red Mountain Commerce Center.*
2. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*
3. *Lot line adjustment to be approved prior to issuance of building permits.*
4. *Creation of a maintenance easement on the properties adjacent to the buildings with zero lot line.*

Vote: Passed 6-0

Findings:

- 1.1 The Board of Adjustment may approve minor modifications for development plans within a Planned Area Development (PAD) upon a finding that the proposed modifications are consistent with the purpose and intent of the original approval. The PAD for the Red Mountain Commerce Center was approved with zoning case Z03-03 (Ord. 4050). The modifications to the zoning ordinance that were approved with this PAD were to allow the deviation from the minimum required building and landscape setback requirements. The requested modification of the PAD by the applicant is for minor modifications to the approved minimum setbacks to allow the development of these parcels.
- 1.2 The south property line of both parcels is adjacent to the Thomas Road right of way. The right way on this section of Thomas Road is unusually wide, resulting in an extra 50' to 60' of landscaping within the right way. This additional landscape area within the right of way further sets back the development within this project and was considered along with the original PAD approval. With this additional setback and landscaping, staff is supportive of the proposed encroachments along the southern property line.
- 1.3 The applicant also included as part of the justification the unusual lot configurations making development rather difficult. This is most prevalent in the configuration of the western lot (lot 11). The narrowing of the lots on the western edge of the subdivision is due, in part, to a bend in the Thomas Road alignment and the use of a cul-de-sac street design within the subdivision. The applicant had previously shown parking that angled to meet the required setbacks however it created an unusual circulation pattern on site. It is staff's recommendation to allow some minor encroachments into the setbacks to create a more uniform parking field to improve vehicular circulation on the site.

**Board of Adjustment Meeting
May 12, 2009**

- 1.4** The use of zero lot line setbacks within industrial areas is a subject that continues to be discussed and is being considered in the future zoning ordinance update. The discussion centers around the need for a 15' side yard setback adjacent to other industrial properties within an industrial subdivision. The argument is that this creates an unusable side yard for aesthetic reasons within an area that is designed primarily for industrial uses. This type of reduction in side setback would have been supportable by staff with the original PAD request along with a site plan for each lot. The development of site plans within the subdivision has been on a lot by lot basis. Therefore this type of consideration is being considered as part of a minor PAD modification as site plans are submitted with each lot. The applicant has submitted a letter of support for the requested zero lot line from the adjacent property owner as well as the management for the association within the industrial subdivision.

* * * * *

**Board of Adjustment Meeting
May 12, 2009**

Case No.: BA09-019

Location: 758 E Brown Road

Subject: Requesting: 1) a Development Incentive Permit (DIP); and 2) a Special Use Permit (SUP); all in conjunction with the development of a retail store and automobile service station in the C-2 zoning districts.

Decision: Continued for 30 days to the June 9, 2009 hearing.

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

Motion: It was moved by Board member McCray, seconded by Board member Thomas to approved case BA09-019 with the following conditions.

Vote: Passed 6-0

Findings: N/A

* * * * *

**Board of Adjustment Meeting
May 12, 2009**

Case No.: BA09-015

Location: 2152 East Calle Maderas

Subject: Requesting a Minor Modification of a Planned Area Development (PAD) to allow an addition to encroach into the required rear yard setback in the R1-9-PAD 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 Board member McCray, seconded by Board member Thomas to approve BA09-004 with the following conditions.

1. *Compliance with the site plan and floor plan submitted except as modified by the conditions below.*
2. *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 subdivision Las Maderas was platted in the late 1970's with 33 lots. The subdivision street layout consists of six cul-de-sacs with 21 five-sided lots. The applicant's request is for a minor modification to the PAD in order to clarify the required yards (front, rear, and sides) of lot 13, a five sided lot.
- 1.2 The subdivision plat for Las Maderas identifies the front yards of all lots, but fails to specifically identify the side and rear yards. Typical five-sided lots within this subdivision have narrow cul-de-sac front lot widths and two rear property lines (such an interpretation is consistent with "non-PAD" subdivisions). The two rear property lines have 25 foot rear yard setback requirements which are typical of five sided lots.
- 1.3 The applicant requested the PAD Modification to allow construction of a 1,795 square foot two-story addition to an existing 6,352 square foot home within what staff has interpreted as the required 25 foot rear yard adjacent to the east property line of the subject parcel. The eastern portion of the proposed addition would encroach approximately 7'-6" into the required 25 foot rear yard.
- 1.4 The subject site is zoned R1-9-PAD, 28,562 s.f. lot surrounded by existing single family residences also zoned R1-9-PAD of similar size and shape. The parcels within the R1-9 zoning district require a minimum of a 25 foot rear yard and are allowed a maximum of 40% roof area coverage on the lot. The site plan submitted includes the general location of the existing home, the existing detached garage/exercise building, and the proposed addition. According to staff interpretation, the addition may be permitted provided a minimum 25-foot rear yard setback is maintained from the rear (eastern) property line.

**Board of Adjustment Meeting
May 12, 2009**

- 1.5** The 'Las Maderas' subdivision was rezoned from R1-9-PRD to R1-9-PAD in 1975. The Zoning Code allows PAD Overlays to provide unique developments flexibility or variations from conventional development requirements such as building height, setbacks, and on-site parking when authorized by City Council. The "Las Maderas" subdivision was granted the PAD Overlay to allow private streets within the development and not specifically for variations to building setbacks.
- 1.6** The applicant requested a review of the orientation and configuration of the homes on the cul-de-sac lots in order to interpret a discernable pattern for recognizing the front, side, and rear lot lines of each lot. The applicant made the argument that in determining if this minor modification to this PAD is consistent with the intent and purpose of the approved PAD, the Board considered and took into account the as-built orientation of homes built on the cul-de-sac lots 12 and 16 which are adjacent to lot 13.
- 1.7** Further, the applicant provided: 1) that the property owner's home faces south, therefore, the southern property line should be considered as the front lot line; 2) the northern property line is the rear lot line evidenced by the location of the pool in the back yard; and 3) the east and west property lines are the side lot lines (see aerial photo provided).
- 1.8** In addition, the applicant provided: 1) that compatibility is demonstrated by Lot 12 having a pool in the rear yard, therefore, the southern property line is the rear lot line; 2) the east and west property lines are the side lot lines and the northern property line is the front lot line; 3) Lot 16 also has a pool in the rear yard and the front of the house faces north, therefore, the northern property line is the front lot line and southern property line is the rear lot line; 4) The east and west property lines are the side lot lines of lot 16.
- 1.9** The applicant provided a copy of the "Las Maderas" Home Owner's Association approval for the proposed addition. The applicant indicated that this approval is evidence of the consistency with the intent and purpose of the PAD.
- 1.10** The applicant indicated that they have not received any objections from the property owner's of the lots immediately to the east of the property which are the most directly affected by this request.
- 1.11** The applicant indicated that if the modification to the PAD is approved, the addition would be minor because it would fit within the approved building envelope area and would be consistent with the lot coverage and setback requirements.
- 1.12** The site plan identified the existing roof area of the home as 6,352 s.f. The roof area of the proposed addition is a total of 1,795 square feet. A portion of the applicant's proposal is for an addition consisting of 3 levels. Normally, three-story homes are not allowed within the single residence districts without a public hearing approval through the Board of Adjustment or the Planning and Zoning Board and Council. In this case, the 3rd level addition is technically a mezzanine floor that is not counted as a 3rd story; the area of the 3rd level (442 s.f.) is less than 40% of the area of the floor below it, the 2nd level. The 3rd level is a mezzanine as defined by the Zoning Ordinance and is within the buildable area of the lot, an allowed addition that does not require an additional variance or public hearing approval.

* * * * *

**Board of Adjustment Meeting
May 12, 2009**

Case No.: BA09-017

Location: 3405 North Higley Road

Subject: Requesting a Special Use Permit (SUP) to allow a Comprehensive Youth Residence in the R1-90 zoning district.

Decision: 30-day continuance to June 9, 2009

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

Motion: It was moved by Board member McCray, seconded by Board member Thomas to continue BA09-017 to June 9, 2009.

Vote: Passed 6-0

**Board of Adjustment Meeting
May 12, 2009**

Case No.: BA09-020

Location: 4440 East Main Street

Subject: Requesting a modification to an existing Special Use Permit (SUP) to modify a comprehensive sign plan in the C-2 zoning district.

Decision: Approved with conditions

Summary: After a brief discussion staff and the applicant were able to agree to a revision of condition 2. to allow 12' high, 84 sq. ft. sign.

Motion: It was moved by Board member McCray, seconded by Board member Thomas to approved case BA09-020 with the following conditions.

1. *Compliance with the sign plan submitted, unless modified by the conditions below.*
2. *Monument sign shall comply with Sign Ordinance maximums for sign height and the sign area for detached signs shall be a maximum of 84 square feet.*
3. *Monument sign shall comply with Sign Ordinance maximums for sign height and the sign area for detached signs shall be a maximum of 84 square feet.*
4. *Compliance with all requirements of the Design Review Board for basic sign elevation.*
5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits and sign permits.*
6. *Recording of a "Sign Agreement" in which the property owner agrees to move the detached signs out of the future width lines of Greenfield Road and Main Street at their expense if the City should decide to widen those streets at a future date.*

Vote: Passed 6-0

Findings:

- 1.1** There is an existing comprehensive sign plan for the commercial development, which was necessary to allow the anchor tenant to have attached signage that exceeds current Code requirements (reference BA95-39). The service facility proposes to modify the comprehensive sign plan to allow signs in excess of the allowances specified in the plan. That CSP did not anticipate nor address signage for the proposed development. As requested by the applicant, the modification would allow one eight-foot high, 50 square foot multi-tenant detached monument sign and attached signs for tenants that comply with current Code requirements. As proposed, there would be two detached signs along Greenfield Road with an aggregate sign height of 20 feet and sign area of 98 square feet. Current Code would allow detached signs adjacent to Greenfield Road with an aggregate height of 29 feet and sign area of 290 square feet. With the proposed modifications, the CSP would continue to allow detached signs with aggregate height and sign area significantly less than could be allowed by current Code and consistent with the intent of the approved CSP.

**Board of Adjustment Meeting
May 12, 2009**

- 1.2** The applicant is replacing and relocating two existing detached signs of smaller area and height, one along Main Street and another along Greenfield. The proposed detached monument signs will be built with newer and enhanced materials. However, both detached monument signs need to incorporate architectural elements from the Fry's Grocery building in terms of color, material, texture, etc.

- 1.3** The existing comprehensive sign plan permits four detached signs, two adjacent to Main Street and two along Greenfield Road. The aggregate height of said signs may not exceed 46-feet, and the aggregate sign area may be up to 180 square feet. The applicant has proposed to stay within both the aggregate height, but proposes to exceed the allowable area of the signs. No new monument signs have been proposed, just the replacement of two monument signs (one along Main Street and one along Greenfield Road).

- 1.4** There is some concern that the design of the proposed monument sign may not be consistent with the architecture of the development. To insure that the sign is compatible with both the proposed and existing architecture, a recommended condition has been included to require review of the sign by Design Review Board prior to the issuance of building.

- 1.5.** The proposed modifications to the comprehensive sign plan in conjunction with the recommended conditions insure that signs will be compatible with, and not detrimental to, surrounding properties

* * * * *

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator
Secretary, Board of Adjustment

Minutes written by Mia Lozano-Helland
G:\Board of Adjustment\Minutes\2009\12 May\