

## Board of Adjustment

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### *Minutes*

City Council Chambers, Lower Level  
October 15<sup>th</sup>, 2013

**Board Members Present:**

Danette Harris – Chair  
Trent Montague - Vice Chair  
Greg Hitchens  
Mark Freeman  
Wade Swanson  
Tyler Stradling

**Board Members Absent:**

Chad Cluff (excused)

**Staff Present:**

Gordon Sheffield  
Angelica Guevara  
Julia Kerran  
Kim Steadman  
Wahid Alam  
Lesley Davis  
Kaelee Wilson  
Delphina Legah

**Others Present:**

Mark Couch  
Don Evans

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:18 p.m., the following items were considered and recorded.

**Study Session began at 4:30 p.m.**

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

**Study Session adjourned at 5:14 p.m.**

**Public Hearing began at 5:30 p.m.**

- A. Consider Minutes from the September 10<sup>th</sup>, 2013 Meeting a motion was made by Board member Freeman and seconded by Board member Hitchens to approve the minutes with a correction of the vote on page 1 to state "5-0-1". Vote: Passed 6-0. (Absent Cluff)
- B. Consent Agenda a motion to approve the consent agenda as read was made by Board member Hitchens and seconded by Board member Stradling. Vote: Passed 6-0. (Absent Cluff)

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

- Case No.:** BA13-042
- Location:** 1705 West Main Street
- Subject:** Requesting a Special Use Permit for a Comprehensive Sign Plan in the PS zoning district. (PLN2013-00359)
- Decision:** Approved with Conditions.
- Summary:** This item was on the consent agenda and was not discussed on an individual basis. The requested Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) has been requested to allow the number of attached signs and the total signage to exceed the maximums permitted.
- Motion:** It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA13-042 with the following conditions:
1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
  2. *Compliance with all requirements of Development Services in the issuance of sign permits.*
  3. *No monument shall be allowed for this property in the future.*
- Vote:** Passed (6-0) (Absent Cluff)

**FINDINGS:**

- 1.1 The approved CSP allows the number and aggregate sign area to be tailored made for the Adelante Healthcare facility. This CSP does incorporate special design features an emblem and internally illuminated brand lettering. Adelante medical center includes a pharmacy and a café; the approved signs will assist Adelante in advertising these additional uses within their facility.
- 1.2 As justification for the request the applicant has provided evidence of property management support for the proposal; 2) the primary identification sign has a more appropriate scale with the entrance elevation; 3) the approved signs complement the quality building architecture; 4) the additional primary sign is needed to aid in location of the facility from the east side; and 5) the medical facility does not have any signage other than attached.

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

**Case No.:** BA13-045

**Location:** 960 North Riverview

**Subject:** Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height allowed in the PS-PAD zoning district. (PLN2013-00392)

**Decision:** Continuance to the November 12<sup>th</sup>, 2013 hearing

**Summary:** This item was on the consent agenda and was not discussed on an individual basis. Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the maximum height allowed in the PS-PAD zoning district.

**Motion:** It was moved by Board member Hitchens seconded by Board member Stradling to continue case BA13-045 to the November 12<sup>th</sup>, 2013 hearing.

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

**Case No.:** BA13-052

**Location:** 2415 South Signal Butte Road

**Subject:** Requesting a Special Use Permit for an Assisted Living Facility in the RM-4-PAD-PAD zoning districts. (PLN2013-00340)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis. The applicant is requesting modification to an existing Special Use Permit (SUP) to increase the number of Assisted Living units to 109, increasing phase II to a 3-story building. Additionally, the SUP will provide a reduction in parking requirements.

**Motion:** It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA13-052 with the following conditions:

1. *Compliance with the site plan, landscape plan, floor plans, and elevations submitted.*
2. *Compliance with all condition of zoning case Z13-047 except as modified by this approval.*
3. *Design Review approval through case DR13-025.*
4. *Compliance with all requirements of the Development and Sustainability Department in the issuance of building permits.*

**Vote:** Passed (6-0) (Absent Cluff)

**ANALYSIS/FINDINGS**

1. The current Zoning Ordinance took effect Sept. 3, 2011 and lists "Assisted Living" as a use by right in the RM residential districts (§11-5-2). At the time of the original SUP, the Zoning Ordinance required an SUP for assisted living facilities in all Multiple Residence Districts. (§11-5-4-A-3 of the old Zoning Ordinance).
2. The original SUP was for a Memory Care Facility, which fits into the use category of *Nursing Homes*. A Special Use Permit was required at the time, and still is, in the RM-4 district (§11-5-2). This request modifies the Memory Care SUP approved through case Z11-021
3. The Design Review Board reviewed the Phase II elevations and landscape plan at a work session on August 2, 2013 and made comments that do not have bearing on this SUP request. The applicant is working with staff to complete their Design Review approval (DR13-025).
4. The total site, zoned RM-4 PAD, is 7.3 acres is largely surrounded by residential development, including the adjacent Sunland Springs Village Development, which is a large master planned retirement community. The portion of the site currently under review is 2.26 acres.
5. Primary access to the property is from Signal Butte Road. A separate covered entry is provided for each phase of the facility. As in Phase I, a courtyard area has been provided in the center of the building to provide secured open space for the residents.
6. The approved request for a parking reduction is supported by a parking study that was based on facilities of comparable size and population. Code requires 161 spaces; the applicant's approved reduction (of 28 spaces) to 133. This is 53 spaces more than the parking study's estimated a need for 80 spaces.
7. The three-story building is sited well away from existing and approved single-family developments. The building design incorporates colors and detailing sympathetic to the surrounding residential neighborhoods. The project has been presented to neighbors, who have not raised concerns. Therefore the approved Assisted Living Facility appears compatible with adjacent development and complimentary to existing surrounding uses.

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

**Case No.:** BA13-053

**Location:** 1330 South Crismon Road

**Subject:** Requesting a Special Use Permit for a Comprehensive sign Plan in the RS-43-PAD zoning district. (PLN2013-00443)

**Decision:** Approved with Conditions.

**Summary:** This item was on the consent agenda and was not discussed on an individual basis. The proposed CSP would allow the existing facility install a new monument sign along Southern Avenue and four attached sign to exceed the number of attached signs allowed by Mesa Sign Code in RS-43 PAD District.

**Motion:** It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA13-053 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.*
3. *The approved attached sign D with message "YOUTH" shall not exceed 10 sq. ft.*
4. *Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.*

**Vote:** Passed (6-0) (Absent Cluff)

**FINDINGS**

1. The approved comprehensive sign plan (CSP) consists of (4) attached signs and two monument sign. The attached signs are approved to be placed with three signs on the north elevation facing Crismon Road to the east, and another sign on the south elevation facing US 60 freeways to the south. The aggregate area of all of the approved attached signage is 144.04 square feet.
2. Two 8 feet high, 16.87 square foot monument signs, each facing arterial streets.
3. The aggregate attached sign area and the total number of attached signs are not allowed within the maximum permitted in the RS-43 Zoning District. In this district, allowed is one non-illuminated sign per lot or parcel not exceeding 6 square feet in area or 6 feet in height.
4. The RS-43 Zoning District would allow one monument sign (this site has 2 street frontages). Only one sign per street is proposed.
5. The commercial zoning district would allow this site maximum 160 sq. ft. of attached signs, whereas the applicant is requesting for 144 sq. ft. and three signs, whereas applicant is proposing three signs with an additional sign (14.08 sq. ft.) as building identifier. Also RS-43 Zoning District would allow one monument sign (this site has 2 street frontages). Only one sign per street is proposed.
6. The approved CSP would not be detrimental to the surrounding properties or the area in general.

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

**Case No.:** BA13-054

**Location:** 7 to 19 East Broadway Road

**Subject:** Requesting a Special Use Permit for an automotive oriented use in the DB-2 zoning district. (PLN2013-00433)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis. This request is for a Special Use Permit (SUP) to allow a tire service center within the DB-2 zoning district.

**Motion:** It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA13-054 with the following conditions:

1. *Compliance with the narrative and site plan submitted, except as modified by the conditions below.*
2. *No outdoor display of tires, wheels, or any other merchandise is allowed.*
3. *Outdoor storage area shall be screened to comply with Sec. 11-30-9;*
  - a. *Replace the existing wrought iron and chain link fence and gates visible from Broadway Road, Center Street, and Crescent Avenue with an 8-foot tall masonry wall with solid metal gates designed to comply with Sec. 11-30-4(B) Fences and Freestanding Walls where such fence surrounds the outdoor storage area.*
  - b. *Masonry wall shall include mortar wash finish, stucco or other finish. Final design and materials of the fence and gates shall be approved by the Planning Division staff prior to applying for a construction permit.*
4. *The outdoor stored material shall not exceed 8-feet in height.*
5. *No new or used tires shall be stored outside of the main building or outside of the screened storage area.*
6. *Site plan to be provided showing compliance with the required On-site Parking, Loading, and Circulation requirements of the Zoning Code.*
7. *Replace chain link fence with a black wrought iron fence adjacent to the east property line.*
8. *Landscaping to be installed:*
  - a. *Adjacent to the Broadway Road frontage within a 10-foot wide landscape yard containing 6 trees and 36 shrubs.*
  - b. *Adjacent to the Center Street frontage within a 15-foot wide landscape yard containing 10 trees and 48 shrubs.*
  - c. *The Broadway Road, Center Street, and Crescent Avenue rights-of-way shall be landscaped with low-water use vegetative ground cover and plants in quantities to comply with the specifications provided in the City of Mesa Engineering and Design Standards.*
  - d. *25% of required trees shall be a minimum of 36" box size, 50% of required trees shall be a minimum of 24" box size and all remaining trees shall be no less than 15 gallon in size to comply with Sec. 11-33-3. I would lean towards requiring less total trees, but larger sizes.*
  - e. *50% of shrubs shall be a minimum of 5 gallon size and the remaining shrubs no less than 1 gallon in size.*
  - f. *A 6" continuous vertical concrete curb shall be provided to separate landscape areas from the asphalt.*
  - g. *All landscape areas shall be covered with a 2" deep layer of decomposed granite for dustproofing.*
  - h. *An irrigation system shall be provided to all landscaped areas containing living plant materials.*
  - i. *A landscape plan depicting the proposed landscape design and palette shall be approved by the Planning Division staff prior to applying for a construction permit.*
9. *The exterior of the buildings shall be repainted. Building colors shall be approved by Planning Division staff prior to applying for a construction permit.*
10. *Applicant shall remove unauthorized plywood panels mounted to the roof of the building and the shade canopy.*

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11. *Attached signage shall consist of individual letters or signage of equivalent quality designed to complement the building and shall be approved by the Planning Division staff prior to applying for a construction permit.*
12. *All existing non-conforming signage including pole signs, sandwich boards, and feather signs shall be removed.*
13. *New monument signage shall be located out of the right-of-way and must be surrounded by a landscape planter and a 6" concrete vertical curb to provide separation and protection of the sign from vehicles.*
14. *A Special Use Permit for approval of a Comprehensive Sign Plan will be required if signage is displayed for multiple businesses.*
15. *Compliance with all requirements of the Development Services Office with regard to the issuance of construction permits.*

**Vote:**                    Passed (6-0) (Absent Cluff)

**ANALYSIS/FINDINGS**

1. The applicant was approved for a Special Use Permit to allow a tire sales, installation, and repair within the DB-2 zoning district. This type of vehicle service is a permitted use in the DB-2 zoning district, subject to the granting of a Special Use Permit (SUP). A SUP can be granted upon finding that the approved use: 1) is in conformance with the intent of the Zoning Ordinance, General Plan, and Council Policies; and 2) will be compatible with and not detrimental to adjacent properties or the neighborhood in general.
2. The applicant has not provided any specific plans showing any proposed improvements to the site but has indicated within the justification statement a willingness to provide improvements to the site that would improve the quality and appearance of the site that would allow the business to remain at this location.
3. The applicant has leased the property for the past three years and has used it as a tire service facility in its existing location. In 1996, a SUP was authorized to allow vehicle sales. The plans on file included landscape that no longer exists at the site because it has either died or has been removed.
4. The applicant has provided copies of Certificates of Occupancy showing authorization to occupy the site without the required SUP.
5. The Code Compliance Office has been working with the business owner to bring signage into conformance with code. Through that research they identified the use was lacking the approval of the necessary Special Use Permit.
6. Staff believes the existing business is compatible with the surrounding land uses but would need to make several improvements to the site to improve the quality and appearance of the business. The required improvements involve the provision of landscape material around the perimeter of the site, the removal of wrought iron fencing and replacement with masonry walls to surround and screen the outdoor storage area from street view, the removal of unauthorized signage, and the removal of chain link fencing.
7. Staff has added multiple conditions of approval to address the necessary improvements at the site in order to be consistent with the vision of the Central Main Area Plan, to comply with the intent requirements of the Zoning Code, and to provide landscape at the site to the level that was previously authorized in 1996.
8. By conditioning the approval of the Special Use Permit to the necessary improvements, the site can meet the intent of the Central Main Area Plan while improving the appearance of the site. With the recommended conditions of approval, the site would be compatible with and not detrimental to surrounding properties.

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

- Case No.:** BA13-055
- Location:** 6458 East Broadway Road
- Subject:** Requesting a Special Use Permit for a skilled nursing facility in the RM-zoning district. (PLN2013-00419)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis. The expansion would accommodate a 22,435 square-foot addition with 30 new semi-private rooms.
- Motion:** It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA13-055 with the following conditions:
1. *Compliance with the site plan submitted.*
  2. *Compliance with all condition of approval of zoning case Z13-049.*
  3. *Compliance with all requirements of the Development and Sustainability Department in the issuance of building permits.*
- Vote:** Passed (6-0) (Absent Cluff)

**ANALYSIS/FINDINGS**

1. The approved request was for a Special Use Permit to accommodate the expansion of an existing skilled nursing facility with 100 beds in the RM-4 district. The existing facility was constructed in the late 70's and is 28,504 square-feet. The applicant wants to construct a 22,435 square-foot addition, which will house 30 new semi-private rooms on the rear of the property, which has remained vacant since the completion of the initial construction several years ago.
2. The site is located about a quarter mile west of Power Road on the north side of Broadway. The existing facility faces Broadway Road with the approved addition located in the rear with access from Baywood Avenue. There is no vehicular access through the site between Broadway and Baywood due to the existing building location. The applicant intends to change the address of the facility to make the primary entrance from Baywood Avenue. The parking area on Broadway will remain and additional parking will be provided at the new entrance off of Baywood Avenue.
3. The approved site plan has been designed consistent with the applicable building and landscape setbacks. No deviations to site development standards have been requested through a planned area development or other mechanism.
4. The building design is consistent with the existing building with some minor updates. Staff is working with the applicant on the final building design.
5. The Site Plan was approved by the Planning and Zoning Board at the September 18, 2013 hearing.
6. The approved Special Use Permit is to allow the expansion of the existing skilled nursing facility in the RM-4 zoning district.
7. The approved expansion to the skilled nursing facility is compatible with adjacent developments, as it is complimentary to existing surrounding uses. Therefore, the approved expansion will be compatible with, and not detrimental to, surrounding properties.

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

**Case No.:** BA13-049

**Location:** 2535 West Broadway Road

**Subject:** Requesting: 1) a Variance to allow the reduction to the required parking space dimensions; and 2) a Variance to allow an encroachment into the required side yard in the RS-9 zoning district. (PLN2013-00381)

**Decision:** Continued to the November 12<sup>th</sup>, 2013 hearing.

**Summary:** Gordon Sheffield made the public in attendance aware that the case in being continued but invited them to speak if they wished to do so.

Don Evans, 606 S. Esquire Way, stated the property looks terrible. The property is the first property one sees when driving into Mesa on Broadway Road. Mr. Evans stated he would like to see the process sped up.

**Motion:** It was moved by Board member Freeman seconded by Board member Stradling to continue case BA13-049 to the November 12<sup>th</sup>, 2013 hearing.

**Vote:** 6-0 (Absent Cluff)

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

**Case No.:** BA13-051

**Location:** 333 West 9<sup>th</sup> Street

**Subject:** Requesting: 1) a Variance to allow an encroachment into the required side yard; 2) a Variance to allow an encroachment into the required rear yard; and 3) a Variance to exceed the maximum roof area allowed, all in the RS-6 zoning district. (PLN2013-00426)

**Decision:** Continued to the November 12<sup>th</sup>, 2013 hearing.

**Summary:** Mark Couch, the applicant and property owner, stated when the Child Crisis Center occupied the property to the south that his property line was two feet more to the south. He stated the garage shared the wall on the west when his family moved into the property. Mr. Couch stated the lift in the carport is for his recreational use, not any type of commercial activity. He stated he verified with the City that he did not need a permit to construct the metal awning attachments.

Chair Harris asked the size of the structure in question. The applicant responded that it is approximately 27 feet by 30 feet.

Boardmember Stradling indicated the applicant also exceeds the 50 percent roof coverage limitation set forth in the Zoning Ordinance. The applicant stated the sheds are not totaled in the percentage.

Gordon Sheffield, Zoning Administrator, clarified an open carport was allowed to encroach due to a determination made by City Council in 1972. He also clarified the shed roof area does factor into the total allowed roof area. Mr. Sheffield stated a building permit is not required for a metal awning but the applicant must still abide by the standards set forth in the Zoning Ordinance. He stated the applicant has shown no hardship that was not self-imposed.

Gordon Sheffield and the applicant referred to a large projected aerial to discuss what areas of the property were under roof.

Boardmember Stradling questioned the distance code requires for a structure to be fully detached. Mr. Sheffield stated 6 feet is the minimum.

Boardmember Hitchens inquired if the applicant had 6 feet between the primary home and the detached structures and did not exceed 50 percent under roof if the structures would be legal. Gordon Sheffield responded that the roof area of detached structures cannot exceed 50 percent of the roof area of the primary dwelling unit.

A brief discussion ensued amongst boardmembers concerning a continuance to allow the applicant more time to work with staff.

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

**Motion:** It was moved by Board member Hitchens seconded by Board member Swanson to continue case BA13-051 to the November 12<sup>th</sup>, 2013 hearing.

**Vote:** 6-0 (Absent Cluff)

**Board of Adjustment Meeting  
October 15<sup>th</sup>, 2013**

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a  
Zoning Administrator