

Board of Adjustment

Minutes



City Council Chambers, Lower Level
April 8, 2008

Board members Present:

Mike Clement, Chair
Dianne von Borstel, Vice Chair
Scott Thomas
Garret McCray
Terry Worcester
Linda Sullivan
Greg Hitchens

Board members Absent:

(None)

Staff Present:

Gordon Sheffield
Jeff McVay
Brandice Elliott
Constance Bachman
Kelly Arredondo

Others Present:

Scott Hudson	Scott Mehlhoff	Edbert Keeney
Dave Johnson	Thom Bohlen	Mitch Armstrong
Brian Moorhead	Ed Mulholland	

The study session began at 4:40 p.m. The Public Hearing meeting began at 5:40 p.m. Before adjournment at 7:24 p.m., the following items were considered and recorded on Board of Adjustment CD #4.

Study Session 4:30 p.m.

- A. The study session began at 4:40 p.m. The items scheduled for the Board's Public Hearing were discussed.
- B. Zoning Administrator update – Mr. Sheffield suggested the Board review Module 2 of the Zoning Code Update, and forward comments of interested individuals.

Public Hearing 5:40 p.m.

- A. Consider Minutes from the March 11, 2008 Meeting A motion was made to approve the minutes by Boardmember von Borstel and seconded by Boardmember Worcester. Vote: Passed 7-0
- B. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Thomas and seconded by Boardmember McCray. Vote: Passed 7-0
- C. Second Consent Agenda A motion to approve the second consent agenda as read was made by Boardmember Worcester and seconded by Boardmember Thomas. Vote: Passed 6-0 (Hitchens abstained)

**Board of Adjustment Meeting
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- Case No.:** BA08-017
- Location:** 1606 South Signal Butte Road
- Subject:** Requesting a Special Use Permit (SUP) to modify an existing Comprehensive Sign Plan (CSP) in the C-2 DMP zoning district.
- Decision:** Approved with conditions
- Summary:** Scott Hudson presented the request for a variance, noting that the proposed sign for Desert Schools Federal Credit Union would be 15 inches in height with a 23-inch high logo, and 19 square feet in area. He provided photos to the Board that demonstrated that the current sign is not visible, and that the McDonald's sign is larger and placed higher on the building. The applicant further indicated that Desert Schools needed a larger sign to conduct business, and that the tenant is unique because it offers a specific service.
- Boardmember McCray inquired if all sign area permitted for Wal-Mart had been used. The applicant indicated that all the area had been used by Wal-Mart, and that the 19 square feet requested would be in excess of the comprehensive sign plan allowances.
- Mr. McVay clarified that the McDonald's sign did not receive a sign permit, and was instructed during plan review to modify the comprehensive sign plan. He added that while he agreed a sign was necessary for wayfinding purposes, Desert Schools is a tenant of Wal-Mart; therefore, the intent of the proposed sign is the same as a modifier. Mr. McVay further noted that the proposed sign for Desert Schools would not receive the benefit or conflict associated with the McDonald's sign.
- Mr. Sheffield noted that the number of permitted signs is based on the occupancy rather than the number of tenants. As a result, it is the responsibility of Wal-Mart to share its sign area among all tenants.
- Boardmember Clement felt that the proposed sign should be treated more as a retail sign as opposed to a modifier. He further noted that the applicant should be allowed to maximize the height of the letters provided that the sign area does not exceed 19 square feet. Given the size of the development, he felt that a larger sign would facilitate easier site navigation.
- Motion:** It was moved by Boardmember Worcester, seconded by Boardmember von Borstel to approve case BA08-017 with the following conditions:
1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
 2. *The removal of the existing Desert Schools Federal Credit Union sign.*
 3. *The new Desert Schools Federal Credit Union sign shall have a maximum sign area of nineteen square feet (19 s.f.).*
 4. *The new Desert School Federal Credit Union sign shall not be placed higher than twelve feet (12') above finished floor grade.*
 5. *This approval does not extend to the addition of an attached sign for McDonalds.*

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6. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*

Vote: Passed 5-1 (Hitchens opposed, Thomas abstained)

Findings:

- 1.1** The approved CSP (BA05-035) allows the Wal-Mart to have 10 attached signs with an aggregate sign area of approximately 630 square feet. The Wal-Mart was further approved for 11 modifier signs that were required to be placed no higher than 12 feet above finished floor grade and utilizing 12 inch or smaller letters. No provisions were made within the approved sign plan to allow attached signs for sub-tenants within the Wal-Mart.
- 1.2** Desert Schools Federal Credit Union currently has an attached sign that is eight feet above finished floor grade and utilizes 12-inch or smaller letters. Due to visibility concerns, the applicant wants to replace this sign with an illuminated sign located 18 feet above finished floor grade on a building wall.
- 1.3** The proposed sign would be visible from off-site. Wal-Mart has utilized the entire allotment of attached signage visible from off-site approved by the CSP.
- 1.4** The Desert School Federal Credit Union has been located within the Wal-Mart as a service to shoppers of the store. As a tenant, visibility is important once the customer is on site. The CSP addressed on-site visibility needs by permitting 11 modifier signs. A sign to identify a tenant that does not exceed a height of twelve feet above finished floor grade and has a sign area no greater than 19 square feet would be consistent with the approved CSP.

**Board of Adjustment Meeting
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Case No.: BA08-018

Location: 2027 East University Avenue

Subject: Requesting a Special Use Permit (SUP) for the development of a Comprehensive Sign Plan (CSP) 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 Boardmember Thomas, seconded by Boardmember McCray to approve case BA08-018 with the following conditions:

1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
2. *This Comprehensive Sign Plan, in no way approves modifications to building elevations, which are subject to the stipulations of case ADR07-72.*
3. *A maximum of three (3) attached signs with an aggregate sign area of one hundred and eighty square feet (180 s.f.) shall be permitted.*
4. *Sign B, located on the north building elevation shall have a maximum sign area of sixty square feet (60 s.f.).*
5. *Compliance with all requirements of the Building Safety Division in the issuance of sign permits.*

Vote: Passed 7-0

Findings:

- 1.1 The requested Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) involves the Petco store located at the southeast corner of Gilbert Road and University Drive. The requested CSP would facilitate the update of the current sign program consistent with current Petco corporate standards.
- 1.2 The existing Petco signage includes two attached signs (one on each the west and north building elevation) with an aggregate sign area of 242 square feet and one detached sign with a sign height of 9 feet and sign area of 46 square feet. Based on building and parcel frontage, the Sign Ordinance would permit three attached signs with a maximum aggregate sign area of 160 and a 12-foot high detached sign with 80 square feet in sign area. As proposed, the CSP would allow three attached signs with an aggregate sign area of 224 square feet and one 12-foot high multi-tenant detached sign with 73.4 square feet in sign area.
- 1.3 As justification for the requested CSP, the applicant has noted: 1) the limited visibility of the primary building elevation; 2) the removal of existing attached signage and a reduction in aggregate sign area with the replacement signs; and 3) the previous approval (ZA06-100) of a variance to allow the detached sign to encroach into the future-width-line for University Drive, allowing placement of a City bus pullout and shelter.

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- 1.4** Visibility of the primary building elevation has been limited due to a recent development on the immediate corner of Gilbert Road and University Drive. The applicant has noted that the larger sign proposed on the north building elevation (Sign B) will mitigate this loss in visibility. Based on the proximity of the building to University Drive, however, this visibility can be accomplished with a sign utilizing smaller letter sizes. Further, the relocation of the detached sign approved by ZA06-100 will place the detached sign closer to University Drive, which will improve visibility. A condition of approval has been recommended that would reduce the size of the north elevation sign, consistent with the above comments.
- 1.5** Design Review staff has completed an Administrative Review (ADR07-072) of updates to the building architecture, which included the proposed attached signs. While that review does not include approval of signage, Design Review staff has noted the sign located above the revised entrance feature (Sign A) is in scale with the revised elevation. That sign does have reduced visibility, which justifies some increase in size. The west elevation also includes a 10.5 square foot modifier sign (Sign C) for the identification of services.
- 1.6** With the conditions of approval, the proposed CSP would allow three attached signs with an aggregate sign area of 180 square feet. Further, additional attached sign area would not be detrimental to surrounding development.

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Case No.: BA08-019

Location: 1531 North Alma School Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of a residence property into an office and light fabrication use in the C-3 zoning district.

Decision: Approved with conditions

Summary: Edbert Keeney presented the request for a Substantial Conformance Improvement Permit (SCIP), noting the extensive improvements that would be made to the site. Improvements would include making the use legal by moving all operations into an enclosed area, relocating parking spaces from the front of the building to the rear, and reducing sound impact with the addition of a building and landscape buffer.

Brian Moorhead, a neighbor, spoke in favor of the request, noting the need for sound barriers and sufficient parking. Mr. Moorhead requested additional details concerning the rear elevation, and clarified that landscaping would be within the property boundaries to insure that the alley would remain free of vegetation and debris.

Ed Mulholland spoke in opposition to the request. He noted issues concerning the use, utilities, dust control, and parking. He expressed additional concerns related to illegal activities on the site.

Boardmember Clement clarified that electrical issues would be addressed through the plan review process, as they would require compliance with Building Code.

Mr. Keeney presented a rebuttal to Mr. Mulholland's concerns, noting that all parking had been appointed on-site, and the property owner was willing to comply with all Code requirements.

Boardmember Hitchens expressed concerns related to the orientation of fabrication activities toward neighbors located south of the property, and inquired if there were alternative design options that could be considered to orient the use away from Mr. Mulholland's property. The Board discussed improvements that could be made to the proposed site plan that would address this concern.

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Thomas to deny case BA08-019.

Discussion among Boardmembers then took place. Boardmember Hitchens withdrew his motion, and Boardmember Thomas withdrew his second.

Vote: No vote

Second Motion: It was moved by Boardmember Hitchens, seconded by Boardmember Thomas to approve case BA08-019 with the following conditions:

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1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *Replacement of the existing nonconforming detached sign with a conforming detached monument sign prior to, or in conjunction with, the issuance of building permits.*
3. *In addition to landscaping identified, provision of three (3) minimum twenty-four inch (24") box size trees and eight (8) minimum five (5) gallon size shrubs within the landscape setback from the north property line and adjacent to parking.*
4. *In addition to landscaping identified, provision of four (4) minimum twenty-four inch (24") box size trees and two (2) minimum five (5) gallon size shrubs within the landscape setback from the south property line and adjacent to parking.*
5. *In addition to landscaping identified, provision of three (2) minimum twenty-four inch (24") box size trees and two (2) minimum five (5) gallon size shrubs within the landscape setback from Alma School Road.*
6. *Provision of an eight-foot (8') high wall on south property line.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 This request would allow the redevelopment of a former residence into an office and light fabrication shop for tile and granite. The property, which is bounded on the south and east by a public alley, has historically been used for similar activities. The property is zoned C-3, which allows such uses.
- 1.2 Justification for the request include the following: 1) full compliance with current Code development standards requires significant alteration of the existing development site, including elimination of on-site parking and demolition of existing structures; 2) full compliance with current Code development standards in relation to the proposed development significantly reduces the amount of buildable area and precludes the use of the site for a permitted use; 3) the proposed improvements significantly improve the appearance of the site, including providing new landscape areas, paving of parking areas, eliminating the prohibited outdoor activities, and reducing the impact on neighboring properties.
- 1.3 To provide substantial conformance, perimeter landscape improvements have been identified. On-site parking is provided in compliance with current parking requirements. Granite display and light fabrication are housed within buildings that have been remodeled. In addition, improvements to compliance with current Building Code requirements, including remodeling bathrooms to accommodate ADA requirements, will occur through the building permit process.
- 1.4 The applicant proposed 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.

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Case No.: BA08-020

Location: 310 North Val Vista Drive

Subject: Requesting a modification of a Development Incentive Permit (DIP) to allow expansion of an office/service building in the C-2 zoning district.

Decision: Approved with conditions

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

Motion: It was moved by Boardmember Worcester, seconded by Boardmember Thomas to approve case BA08-020 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *Compliance with all requirements of the Design Review case DR03-05, which includes:*
 - a. *Provision of a minimum of four (4), fifteen (15) gallon box trees and sixty-seven (67), five (5) gallon size shrubs within the landscape setback adjacent to the north property line in addition to the landscaping identified on the landscape plan.*
 - b. *Provision of a minimum of eleven (11), five (5) gallon size shrubs within the landscape setback adjacent to the south property line in addition to the landscaping identified on the landscape plan.*
 - c. *Provision of a minimum of six (6), fifteen (15) gallon box trees and forty-seven (47), five (5) gallon size shrubs within the landscape setback adjacent to the east property line in addition to the landscaping identified on the landscape plan.*
3. *Provision of a rounded foundation base measuring nine-feet (9') in width adjacent to the southwest corner of the building addition, and measuring three-feet (3') in width adjacent to the northwest corner of the building addition, as depicted in Exhibit A provided by staff.*
4. *Provision of a minimum five-foot wide (5') foundation base adjacent to the north building elevation of the proposed addition.*
5. *The number of parking spaces shall comply with current Code requirements.*
6. *The use of the proposed addition shall comply with current Code requirements, which excludes warehousing.*
7. *Review and approval by Design Review for compliance with current Code requirements.*
8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0 (Hitchens abstained)

Findings:

- 1.1** This request would modify the previous Development Incentive Permit to allow the expansion of an existing retail and service-oriented development. The new addition is 5,205 square feet, and includes an office, service area, and mezzanine.

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- 1.2** The applicant has requested a number of deviations, primarily related to building and landscape setbacks, foundation base, and parking lot landscape islands. The site meets the minimum eligibility requirements for a Development Incentive Permit, including 1) the parcel meets the definition of a by-passed parcel; 2) the existing and proposed development is consistent with the General Plan; 3) the requested deviations are generally commensurate with surrounding development; 4) the requested deviations are necessary to facilitate expansion of the development; and 5) the development will be reviewed by the Design Review Board for compliance with the Design Guidelines.
- 1.3** The original Design Review Board approval stipulated the development to greater quantities of perimeter landscape in order to mitigate reduced setbacks. The proposed landscape quantities are deficient when compared to the previous approval. Conditions of approval have been recommended to provide improved on-site landscaping.
- 1.4** The approved foundation base width for the south building elevation is eight-feet; however, only a seven-foot wide foundation base has been provided. The width of the foundation base cannot be increased due to minimum driveway width requirements. The conditions of approval increase foundation base width adjacent to the west building elevation of the new addition, and to include a five-foot wide foundation base along the north building elevation of the new addition. These conditions would bring the site closer to compliance with current Code requirements.
- 1.5** As proposed, the development does not comply with parking requirements. Given that the development is retail and service-oriented, adequate parking should be provided to facilitate on-site traffic. The conditions of approval insure that the development complies with current Code requirements as it relates to parking spaces.
- 1.6** The installation of one parking lot landscape island would create additional nonconformities within the site, as it would compromise a required parking space. Therefore, no parking lot landscape island will be installed in the parking area located adjacent to the west property line.
- 1.7** There has been some concern regarding the use of the new tenant. Further, use of the building was a concern the first time that the development was reviewed by the Design Review Board. The property is located in a C-2 district, and is limited to uses such as retail services. Warehousing and construction yards may be located in industrial districts (M-1 and M-2).

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Case No.: BA08-021

Location: 10861 East Baseline Road

Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) for Mountainview Village in a C-2 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 Boardmember Thomas, seconded by Boardmember McCray to approve case BA08-021 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 Section 11-19-8 (D) 17 related to electronic message displays.*
3. *The number and aggregate sign area of attached signs for tenants shall comply with current Code requirements.*
4. *No attached signage shall be permitted on the south elevation of Buildings 1, 2, and 3.*
5. *No attached signage shall be permitted on the east elevation of Building 3.*
6. *Attached signage on the south elevation of Pad 2 shall be limited to directional signage only.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

Vote: Passed 7-0

Findings:

The proposed Comprehensive Sign Plan (CSP) sets sign specifications and requirements for Mountainview Village, a group commercial center that includes three multi-tenant buildings and one pad building. The CSP proposes four detached signs, which includes one center identification sign on a screen wall, along Baseline Road. The CSP also proposes one detached sign along Signal Butte Road. The total aggregate sign height and area proposed for detached signs along Baseline and Signal Butte Roads is less than could be allowed under current Sign Ordinance maximums. No proposed detached sign exceeds 12 feet in height or 80 square feet in area.

Proposed detached signs consist of four, 10-foot tall multi-tenant monument signs for the identification of tenants within Mountainview Village. Two of these signs will include an electronic message display. Electronic message displays are permitted by current Code, provided the message remains static for a minimum of one hour and the light intensity complies with current requirements. The conditions of approval include a requirement that electronic message displays comply with Code. All proposed detached signs utilize a coordinated design theme consistent with the center's architecture.

Proposed attached signage will comply with the requirements of the CSP in regards to design, sign area, and placement. The CSP would allow maximum aggregate sign areas for each tenant consistent with current Code. The proposed CSP does not address the number of signs permitted for individual tenants. To address this, a condition of approval limits attached sign numbers to be consistent with current Code requirements.

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Including the conditions of approval, the proposed CSP is consistent with current Sign Ordinance. Not related to the number of signs or sign areas allowed through the CSP, it is important to note the development site is adjacent on the south and east to residential properties. To mitigate impact on those neighboring properties, a condition prohibits the placement of signage on the south elevation of Building 1, 2, and 3 or placement of signage on the east elevation of Building 3. Further, limits the signage allowed on the south elevation of Pad 2 to directional signage.

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Case No.: BA08-022

Location: 1020 East Southern Avenue

Subject: Requesting a Special Use Permit to allow the development of a Comprehensive Sign Plan for Mesa Ranch Plaza in the C-2 Zoning District.

Decision: Continued to the May 13, 2008 hearing

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

Motion: It was moved by Boardmember von Borstel seconded by Boardmember Worcester to continue case BA08-022 for 30 days to the May 13, 2008 hearing.

Vote: Passed 6-0 (Thomas abstained)

Findings: N/A

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Case No.: BA08-011

Location: 5221 South Power Road

Subject: Requesting a Special Use Permit (SUP) to allow a comprehensive sign plan for a retail development in the C-2 zoning district.

Decision: Withdrawn

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

Motion: It was moved by Boardmember Thomas seconded by Boardmember McCray to withdraw case BA08-011.

Vote: Passed 7-0

Findings: N/A

Respectfully submitted,

Jeffrey McVay, AICP
Senior Planner
Secretary, Board of Adjustment

Minutes written by Brandice Elliott, Planner I

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