

Minutes

City Council Chambers, Lower Level
June 14, 2011

Board Members Present:

Garrett McCray, Chair
Nicholas Labadie, Vice-Chair
Diane von Borstel
Greg Hitchens
Cameron Jones
Danette Harris
Tyler Stradling

Others Present:

Amber Phelps
Stephanie Rowe
Tyler Wright
Taylor Candland
Roark Perry
Liz L.

Staff Present:

Gordon Sheffield
Mia Lozano-Helland
Lesley Davis
Wahid Alam

The study session began at 4:36 p.m. The Public Hearing meeting began at 5:38 p.m. Before adjournment at p.m., the following items were considered and recorded.

Study Session began at 4:36 p.m.

- A. Zoning Code Update: Mr. Sheffield provided the Board with the final dates for the adoption of the updated Zoning Code. The resolution will be introduced to City Council on June 27th, 2011 and consideration and possible adoption is scheduled for July 7th, 2011. Approval by City Council will be followed by a proposed 60-day effective date on September 5th, 2011
- B. Zoning Administrator's Report: Mr. Sheffield shared with the Board his experience attending the Congress for New Urbanism 19 in Wisconsin.
- C. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:38 p.m.

- A. Consider Minutes from the May 10, 2011 Meeting A motion was made to approve the minutes by Board member Labadie and seconded by Boardmember Jones. Vote: Passed 7-0
- B. Consent Agenda a motion to approve the consent agenda as read was made by Board member Jones and seconded by Board member Harris. Vote: Passed 7-0

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Case No.: BA11-004

Location: 7335 East Broadway Road

Subject: 7335 East Broadway Road (Council District 6) Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing church in the R1-6 and R1-7 zoning districts. (PLN2010-00361) **Continued from the May 10, 2011 meeting**

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 Jones, seconded by Board member Harris to approve case BA11-004 with the following conditions:

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
2. *The existing retention basin along the south property line shall not be used on a regular basis (not weekly) as a parking lot except on special occasions (only a few times per year).*
3. *Compliance with all requirements of cases Z79-112, BA81-022, ZA93-068 and ZA09-012.*
4. *Provide perimeter and parking lot landscaping material as indicated in landscape plan signed and sealed by Timothy J. McQueen dated 05/26/2011. All dead or missing landscape material along the perimeter of the site and within the parking lot to be installed or replaced per current code.*
5. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 The parcel is approximately 5.39 acres including the parking lot addition. The applicant was approved for a SCIP to facilitate the expansion of the site for a 93 space parking lot addition without having to demolish existing improvements on the site in order to comply with full development standards. The additional spaces will help the church meet its parking needs.
- 1.2 The approved SCIP allows a reduction in the landscape and parking screening requirements adjacent to Broadway and 74th Place. These deviations were required to allow the applicant to build a temporary parking lot in the first phase of the project. The existing church, on the west side of the property, does not meet current code standards for setbacks and landscaping. An existing retention basin is currently being used as a parking lot. The church will restrict this use to only overflow parking for special occasions.
- 1.3 The approved phased improvements constitute the greatest degree of compliance with current development standards and provide substantial conformance that is not detrimental to adjacent properties or the neighborhood.

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Case No.: BA11-009

Location: 25 North Extension Road

Subject: Requesting a Special Use Permit (SUP) to allow a Commercial Communication Tower in the C-3 zoning district. (PLN2010-00405) **Continued from the May 10, 2011 meeting**

Decision: Continued to the August 9, 2011 meeting.

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

Motion: It was moved by Board member von Borstel, seconded by Board member Jones to continue case BA11-009 to the August 9, 2011 meeting.

Vote: Passed 7-0

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Case No.: BA11-027

Location: 2145 South Farnsworth Drive

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan in the R1-7 DMP and R-2 DMP-PAD zoning districts. (PLN2011-00100)

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 Jones, seconded by Board member Harris to approve case BA11-014 with the following conditions:

1. *Compliance with the sign plan submitted, except as stipulated below.*
2. *Any future electronic message display signs will require review and approval for a modification to the Special Use Permit.*
3. *Electronic Message Display is to be in compliance with section 11-19-8 (D) of the Zoning Ordinance.*
4. *Compliance with all requirements of the Development and Sustainability Department in the issuance of sign permits.*

Vote: Passed 7-0

Findings:

- 1.1 The existing development master plan subdivision, Sunland Village East, is located between Sossaman Road and Hawes Road on the west and east and Baseline and Guadalupe Roads on the north and south. The existing signs were approved under a previous sign ordinance and a CSP was never established for this development. Residential subdivisions are permitted one wall mounted entry identification sign on each side of an entrance to the subdivision, not exceeding 12 square-feet in area. The existing signs exceeded sign ordinance standards for the size of subdivision entry signs and the applicant replaced an existing marquee sign to include a Electronic Message Display sign within the interior of the development at the clubhouse on South Farnsworth. Included in the approval are signs for the identification of amenities such as the golf course and recreation buildings and other way finding signs on the interior of the subdivision.
- 1.2 The site is a 590+ acre Development Master Plan and not a conventional development. Several additional amenities exist for the residents, including a golf course, a recreation building, tennis courts, private parks, etc. These facilities are maintained by a homeowner's association that is also responsible for maintaining the signage approved by this plan.
- 1.3 The existing signs are 18' high and 52 square feet flanking the main entrance into the subdivision off of Baseline Road and were approved under a previous sign ordinance standard. There have been no issues with the signs as they exist. They are partially screened by mature landscaping and staff did not recommend changes to the existing entry signs.
- 1.4 The approved plan is similar in the number and size of signs for other large scale residential developments. It was developed with consistent colors, materials and designs that were used

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throughout the subdivision to achieve a unified appearance.

- 1.5** The approved subdivision sign package addresses the unique development and its location, while maintaining a proportion and scale with the development. The sign package, including the conditions of approval is compatible with and not detrimental to the surrounding development.

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Case No.: BA11-028

Location: 2039 West Guadalupe Road

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height allowed in the C-2 zoning district. (PLN2011-00103)

Decision: Approved with conditions

Summary: Taylor Candland represented the case and stated that he was in opposition to Condition 6 that related to the installation of additional trees. He said that they were agreeable to planting some trees, but not in the amounts stipulated. He stated that the maintenance of that many trees would be excessive.

Chair McCray asked him how many trees he felt was acceptable. Mr. Candland replied 4 trees. Chair McCray asked staff member Alam about the ratio for the trees. Mr. Alam stated that the ratio is a site standard for landscape requirements adjacent to property lines.

Board member Jones asked about the property owner's responsibility to provide the trees and maintain them. Mr. Alam agreed that were this property currently being developed it would require perimeter trees in the amounts stated.

Board member Labadie provided his understanding of the requirements for the additional trees and stated that he was in agreement with Condition 6 as written by staff.

Board member Stradling asked for clarification tree calculations and the dimensions of the three residential lots that are adjacent to the project. It was pointed out that any existing trees of sufficient height would be included in the required count of trees. It was also clarified that any development of the site would invoke site development standards that require the installation of trees and landscaping at the perimeter of the property.

Board member Hitchens asked who the Special Use Permit was granted, to the property owner or the lease holder. Mr. Sheffield stated it is the land owner and the lease holder must gain approval from the owner.

Motion: It was moved by Board member Labadie, seconded by Board member Jones to approve case BA11-028 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions below.*
2. *The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds and bark cladding to resemble the bark of a natural palm tree.*
3. *All antennas, radio heads, mounting hardware, and other equipment near the antennas shall be painted to match the color of the palm fronds.*
4. *The commercial communication tower shall have a maximum height of sixty feet (65') at the top of the palm canopy (62'-1.5" at the top of antennas).*
5. *The antennas shall not exceed 8'-3" in length x 11-7/8" in width x 6" in depth.*

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6. *Installation of new trees (minimum 10' tall at time of planting) along the south property line adjacent to rear property lines homes (addresses 2032, 202 and 2016) on Obispo Avenue to screen the view at a ratio of 1 tree per 20-feet of lineal common property line.*
7. *The operator of the monopalm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
8. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 The approved Special Use Permit (SUP) allows the replacement of an existing 60' tall monopole with a 65-foot high monopalm at the same location. The applicant notified all property owners within 300-feet of the request, and homeowner associations within 1,000' of the site. No comments or concerns were received from the neighbors.
- 1.2 The Commercial Communication Tower identified as site P369 will be located within an existing 20'-8" x 20'-9" lease area that is screened by an existing 11' tall CMU wall.
- 1.3 The approved monopalm is 65-feet high and resembles a date palm. The monopalm array consists of three sectors, each with three antennas, for a total of nine antennas. The antenna dimensions are 96" in length x 12.5" in width x 7.1" in depth.
- 1.4 The monopalm did not completely comply with the Commercial Communications Towers (CCT) Guidelines. The tower is 214' from the Dobson Road right-of-way, where only 65' was required and 119' from the southern property line adjacent to the existing homes to the south. The Guidelines require a 2:1 setback ratio from adjacent residences. However this site has had a 60' tall monopole since 2004. The new monopalm has additional landscaping along the south property line and significantly reduces the visual impact from the homes to the south. Staff added a condition for the installation of minimum 10' tall trees along the property line adjacent to the homes. Since this project replaced an existing facility with a better quality palm design the Board did not have a concern with the location.
- 1.5 The site is behind a shopping center surrounded by existing buildings, minimizing the visibility of the monopalm. In addition, the conditions of approval ensured that materials used will conceal the antennas and there is visual screening with the addition of plantings. As a result, the proposed monopalm is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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Case No.: BA11-029

Location: 539 North Standage

Subject: Requesting a Variance to allow a residential addition to encroach into the required side yard in the R1-6 zoning district. (PLN2011-00105)

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 Jones, seconded by Board member Harris to approve case BA11-029 with the following conditions:

1. *Compliance with the site plan and elevations submitted.*
2. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 This variance was approved to allow a room addition to be constructed within the 5-foot side yard setback in the R1-6 zoning district. It was noted that the home was built under different standards and encroached 1.5 feet into the 5-foot side yard setback.
- 1.2 Current Code required a minimum side yard setback of 5-feet on one side and 10-feet on the other. The subdivision was developed in the mid 1950's and many of the homes in the neighborhood have been constructed closer than 5-feet from the property line on one side. This was common at that time for open carport structures.
- 1.3 There were special circumstances that applied that were pre-existing and not self-imposed. Strict compliance with the Code requiring the property owner to adhere to the 5-foot side setback would have deprived the property of privileges enjoyed by other properties in the same zoning district. This variance did not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.

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Case No.: BA11-030

Location: 2910 North Power Road

Subject: Requesting a modification of a Special Use Permit (SUP) for a comprehensive sign plan in the C-2 DMP zoning district. (PLN2011-00106)

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 Jones seconded by Board member Harris to approve case BA11-030 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all conditions of BA96-6 and ZA02-44, except as modified by this request.*
3. *Placement of the signs must be in compliance with all City of Mesa standards.*
4. *Final monument sign design shall reflect architectural characteristics to be compatible with one another and with the building design for the center with final design to be reviewed and approved by Planning Division staff prior to the issuance of building permits.*
5. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 In 1996 a CSP was approved for this shopping center. That case allowed seven freestanding signs totaling 57-feet, 4-inches in overall sign height and 344 square-feet of overall sign area. In 2002 a modification to that CSP was approved to allow 2 of the 8-foot high, 40 s.f. signs along Power Road to be combined into one 12-foot high, 80 square-foot sign (ZA02-44). This lowered the overall height allowed for the subdivision to 54-foot 4-inches. The applicant requested to break this approved multi-tenant sign back into two multi-tenant signs; one at 6-foot high, 40 square-feet and one at 12-foot high, 80 square feet. These two signs flank the southern driveway along Power Road. In addition to this change, the applicant is replacing the existing 3-foot, 4-inch high, 21.3 square foot center identification sign at the intersection corner with an 8-foot high, 20 square foot sign. This change was required due to the location of an existing electrical transformer that blocks visibility of the existing sign.
- 1.2 The shopping center is modifying the comprehensive sign plan to allow changes to the allowances specified in the plan. Per section 11-19-6(E)2(c) of the Ordinance, Group C-O-I developments, displaying more than one detached sign per street frontage shall be permitted 50 percent of total aggregate sign area and sign height. No sign shall exceed 80 square feet in area or 12-feet in height. Based on that formula, the McDowell Road frontage allowed an aggregate height of 27-feet in height and 273 square-feet of aggregate sign area. The Power Road frontage allowed an aggregate height of 91-feet and 910 square-feet of aggregate sign area. The approved number of signs reduced to 5 signs and the signs

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utilize 59.5-feet in height and 280 square-feet of the area for both street frontages. This is a reduction of 64 square-feet in aggregate sign area and reduced the number of signs from seven to five signs overall. It increased the aggregate sign height by five feet, which is 2-feet higher than what was originally approved as part of the original CSP (BA96-6).

- 1.3** The design of the new multi-tenant sign was consistent with the existing signs in the center; however the center identification sign was updated and did not match the existing monument signs. The Board supported updating the signs for the center, but the applicant did not include a new design for the multi-tenant signs. It seemed that they should have been designed to be more compatible with the existing signage or the existing signs should have been updated to be more compatible with the new design. The Board agreed with staff and stipulated that the applicant work with staff to finalize the design of the signs prior to submitting for Building Permit.
- 1.4** The signs will be located out of the existing rights-of-way and also sited to avoid the 8-foot Public Utility Easement that exists along both street frontages. This is of particular concern at the intersection corner. The applicant will locate the sign so that it does not affect site visibility at the intersection.
- 1.5** The modifications to the Comprehensive Sign Plan in conjunction with the conditions ensure that the signs are compatible with, and not detrimental to, surrounding properties.

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Case No.: BA11-031

Location: 714 West Edgewood Avenue

Subject: Requesting a Variance to allow a residential addition to encroach into the required side yard in the R1-6 zoning district. (PLN2011-00108)

Decision: Approved with conditions

Summary: Richard Todd Eames represented the case and explained the request. He also stated that there were many other properties in the neighborhood that have existing reduced setbacks.

Mr. Sheffield provided additional information and comments regarding the request.

Mr. Bart Eames, the property owner, added comments and further discussion ensued.

Mr. Sheffield clarified the final variance approval of a 3-foot variance for the garage and storage portion of the addition.

Board member Labadie voiced concern regarding the request and details.

Board member Jones stated he was comfortable with the conditions.

Motion: It was moved by Board member Stradling seconded by Board member von Borstel to approve case BA11-031 with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Three feet (3') side yard setback allowed from front of proposed garage to the back of the storage unit. The remainder of the addition to maintain a 5' setback.*
3. *Compliance with all requirements of the Development and Sustainability Department in the issuance of building permits.*

Vote: Passed 5-2 (McCray and Labadie nay)

Findings:

- 1.1 The lot is 6,612 square feet in area. The single story 936 square feet house has a one car garage is placed on the lot with 29'-6" front set back along Edgewood Avenue, 23' from north property line, 7' along east property line and 9' along west property line.
- 1.2 Current code requires a minimum 5' setback with a minimum total side yard setback of 15'. The addition encroached into the required 10' side yard.
- 1.2 The house was placed on the lot squarely and not at an angle that limits the area available for construction without encroachment into the current required side yard.

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- 1.3** The house, with its minimum side yard setbacks, had limited opportunity to locate a second car garage on the west side of the house per Zoning code Section 11-13-2(B).

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Case No.: BA11-032

Location: 510 South Mesa Drive

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the addition of a dwelling unit in the R-2 zoning district. (PLN2011-00110)

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 Jones seconded by Board member Harris to approve case BA11-032 with the following conditions:

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
2. *Provide landscape material along Mesa Drive and 5th Avenue per site plan submitted.*
3. *Provide 10 trees and 20 shrubs including new decomposed granite in front yards along Mesa Drive and 5th Avenue.*
4. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 The approved Substantial Conformance Improvement Permit (SCIP) authorizes another detached single family residence (788 sq. ft) on the same lot with an existing single family home. This approval increases the density on the lot and intensifies the existing use of the property.
- 1.2 The SCIP allows a reduction in the building setback and parking screening adjacent to Mesa Drive. These deviations were required to allow the applicant to build another single story detached home without having to demolish the existing house to maintain the setback from future right of way along Mesa Drive. The existing house has two car garages accessible by two driveways from Mesa Drive and the applicant is using an existing driveway off of 5th Avenue for the additional dwelling unit with two car garages.
- 1.3 The approved improvements constitute the greatest degree of compliance with current development standards without requiring demolition of the existing structure.
- 1.4 The approved deviations allowed an increase in density on the site in a manner consistent with similar developments throughout the city. In order to help maintain the residential character of the neighborhood, staff was supportive of the elimination of the required screen wall adjacent to 5th Avenue and Mesa Drive. In addition, the Board stipulated a condition of approval (#3) requiring trees and shrubs in the front yards per current code.
- 1.5 The deviations allow improvements to the property that help bring the site into substantial conformance with the code that is not detrimental to adjacent properties or neighborhoods.

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Case No.: BA11-033

Location: 230 South Country Club Drive and 458 West 3rd Avenue

Subject: Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing bus maintenance facility in the M-2 and TCB-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 Board member Stradling seconded by Board member von Borstel to approve case BA11-023 with the addition of the following condition to those previously approved by ZA10-31:

4. In the event a use not regulated by the federal Department of Transportation occupies the site, at that time a solid masonry fence of at least 6-feet high shall be built at the street side setback along the south property line, with wood or metal opaque screening installed for the access gates.

Vote: Passed 7-0

Finding:

- 1.1** The applicant, in concert with the federal Department of Transportation, determined that an opaque screening fence would be a security risk, and appealed the solid fence requirement to the Design Review Board to allow a chain link fence with vinyl slats. The Design Review Board, after listening to the reasoning, agreed to allow the chain link fence.

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D. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

G: Board of Adjustment/Minutes/2011/June2011