

Minutes

**City Council Chambers, Lower Level
June 12th, 2012**

Board Members Present:

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

Board Members Absent:

Staff Present:

Gordon Sheffield
Angelica Guevara
Jeff McVay
Kaelee Wilson
Lesley Davis
Wahid Alam

Others Present:

Bonnie Koivuniem
Jerome Engleson
Daisy Hains
Kathleen Darling
Jim Darling
Patricia Fisher
Kay Fisher
Carl Grise
Barbara Grise
Arlene Rimert
Thomas Rimert
Barb Howard
Ernest Oberhelman
Alvin Cripps
Shirley Davis
Richard Davis
Paul Cripps
Others

The study session began at 4:37 p.m. The Public Hearing meeting began at 6:15 p.m. Before adjournment at 8:35 p.m., the following items were considered and recorded.

Study Session began at 4:37 p.m.

- A. The items scheduled for the Board's Public Hearing were discussed.
- B. Zoning Administrator's Report:
 - 1. Mr. Sheffield briefed the Board on the sign code update.

- 2. Mr. Sheffield informed the board that the Zoning Administrator interpretation log will soon be available

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online.

3. Mr. Sheffield briefed the board on their role in PC districts. Applicants for these districts write a governing plan that includes zoning requirements that could include Conditional Use Permits.

Study Session was adjourned at 6:04 p.m.

Public Hearing began at 6:15 p.m.

- A. Consider Minutes from the May 8th, 2012 Meeting a motion was made to approve the minutes by Board member Jones and seconded by Board member von Borstel. Vote: Passed 7-0
- B. Consent Agenda a motion to approve the consent agenda as read was made by Board member Stradling and seconded by Board member Jones. Vote: Passed 7-0

Case No.: BA12-016

Location: 51 East Main Street

Subject: 51 East Main Street (District 4) – Requesting a Special Use Permit for a Comprehensive Sign Plan in the DC zoning district. (PLN2012-00142)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis. The request was for a Comprehensive Sign Plan for Benedictine University’s temporary campus.

Motion: It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-016 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. Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.*

Vote: Passed 7-0

FINDINGS

- 1.1** The approved comprehensive sign plan consists of four attached signs, with two signs proposed on the north elevation and two signs proposed on the west elevation with an aggregate sign area of 202 s.f.
- 1.2** The approved comprehensive sign plan proposes specifications for attached signage only.

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- 1.3** Two signs will be cabinet style at 52 s.f. and 54 s.f. in area and will be internally illuminated and visible 24 hours of the day.
- 1.4** Two logo signs at 48 s.f. with an aggregate area of 96 s.f. will be projected onto the building and will only be visible at night.
- 1.5** The aggregate attached sign area and the total number of attached signs exceeds the maximum permitted by 172 s.f. and 3 signs.
- 1.6** Although the code allows various types of wall signs and awnings, the applicant is not requesting any awning signs.
- 1.7** Since the site is located within the Pedestrian Overlay Area it is not eligible for a freestanding sign.
- 1.8** The building is located directly in front of the Mesa Arts Center in the heart of Mesa's downtown.
- 1.9** The proposed CSP would not be detrimental to the surrounding properties or the area in general.

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Case No.: BA12-017

Location: 101 North 38th Street

Subject: 101 North 38th Street (District 2) – Requesting a Variance to allow a fence to exceed the maximum height allowed in the side yard in the RM-4 zoning district. (PLN2012-00130)

Decision: Approved with conditions

Summary: Kevin Schaefer, the applicant, represented the case and summarized the circumstances that led up to this variance request. The adjacent property owner has several unfriendly dogs that jump over or crawl under the existing chain link fencing. In addition to the dogs jumping the fence, the neighborhood children are jumping the wall and trespassing on the property. Mr. Schaefer stated that it is hard to sell homes that face the east wall with the existing conditions.

Board member Jones asked the applicant if they had considered trees. The applicant responded that there is no room for any foliage.

Chair McCray asked the applicant if they had reported the unfriendly dogs to animal control. The applicant responded that they have called multiple times.

The following spoke in support of the request: Arlene Rimert, Thomas Rimert, Barb Howard, Ernest Oberhelman, Alvin Cripps, Shirley Davis, Richard Davis and Paul Cripps. Their comments consisted of:

- Concern for their safety due to the loose unfriendly dogs and the children that would jump the wall.
- Potential buyers being deterred by the condition of the adjacent property.
- Existing chain link fencing is not sturdy.

Bonnie Koivunien spoke in opposition of the block wall. Ms. Koivunien currently lives to the east of the park. She does not want the wall moved because it would reduce the easement from the abandoned alley she currently has included in her backyard.

Mr. Akin, the architect, stated the wall will not encroach on Ms. Koivunien's half of the easement. The proposed wall would come to the half-way point of the shared eight-foot easement.

Board member McCray asked the applicant why they need the extra two feet in wall height.

The applicant stated the extra two feet would be a deterrent for animals, people and would screen adjacent property from residents.

Staff member Lesley Davis provided the staff report, recommendation and answered questions from the Board.

Board member Stradling asked if the alley way had properly been abandoned.

Gordon Sheffield stated if the wall is approved for the eight-foot height, the applicant

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would need a building permit. In the process of receiving a building permit, the property line would be confirmed.

Conversation amongst board members ensued.

Board member Labadie communicated his sympathy for the neighbors. He assured the residents of the park that building the wall was not going to solve the issues the residents are experiencing. The best way to solve the issues is to organize neighbors. Board member Labadie stated that he does not see enough special circumstances for legally granting a variance.

Board member Jones stated the idea of the eight-foot separation the residents of the park once enjoyed prior to the abandonment of the alleyway could suffice.

Conversation about the lack of a once existing buffer being the special circumstance ensued.

- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve with case BA12-017 with the following conditions:
- 1. Compliance with all requirements of the Development Services Division with regard to the issuance of construction permits.*
 - 2. Height of wall shall not exceed ninety-six inches.*
 - 3. Compliance with the site plan submitted.*

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

FINDINGS

- 1.1** There are existing special conditions that made the increase in wall height eligible for a variance. The special conditions are: 1) neighbor's safety, 2) dogs on adjacent property,3) visibility of adjacent property.
- 1.2** An alleyway previously served as an eight-foot buffer between the Mobile Home Park and adjacent property owners. The alleyway is said to be abandoned. The eight-foot easement has since been included into the adjacent property owner's backyard.
- 1.3** Staff has further researched the abandonment status of the alley way to discover the abandonment process was never completed.

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Case No.: BA12-018

Location: 922 North Gilbert Road

Subject: 922 North Gilbert Road (District 1) – Requesting: 1) a Special Use Permit to allow outdoor activities; and 2) a Special Use Permit to allow off-site parking, both to allow a reception center in the OC zoning district. (PLN2012-00134)

Decision: Approved with conditions

Summary: Melody Crandall, the owner and applicant, presented the case to the board. She stated to increase income, she decided to rent out the backyard space for events. Before she did so, Ms. Crandall spoke with adjacent neighbors and the dentists to the north. The dentist to the north agreed to allow guests of the events to park on his property on the weekends. Ms. Crandall looked online to verify if event halls needed a Special Use Permit. To her knowledge, she did not need a Special Use Permit to hold events. Ms. Crandall stated she has worked hard with the neighbors to resolve any issues that surface.

Chair McCray asked the applicant to address the neighbor's concerns of noise, alcoholic bottles thrown in their yards and parking.

The applicant stated she read the City Code for noise and interpreted the music needed to be turned down at ten p.m. She later discovered music has to be turned off completely at ten p.m. Ms. Crandall used to hold events on the south side of the property but has since moved the reception to the north side to be respectful to adjacent neighbors. The alcoholic bottles being thrown over the wall only happened once. Ms. Crandall stated she handled that situation with the neighbor. Since only one dentist to the north is allowing parking on their site, the applicant stated they have a parking attendant that verifies guests are parking on Dr. Cook's property.

Conversation ensued between the applicant and the board concerning the parking agreement that expires on January 1st, 2013.

Staff member Lesley Davis provided the staff report, recommendation and answered questions from the Board.

The applicant stated it is her intention to plant cypress hedges along the back wall. In doing so, the hedges would decrease neighbor complaints by providing a landscape buffer that should screen most activity.

Board member Labadie asked staff if there had been any complaints filed with the city.

Staff member Lesley Davis said she is unaware of any complaints.

Motion: It was moved by Board member Labadie seconded by Board member von Borstel to approve case BA12-018 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions*

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below.

2. *Provide a recorded Reciprocal Parking Agreement that includes the property owners for the south building at 944 North Gilbert Road and as well as a recorded parking agreement with the property owner of the Montessori Education Center North at 815 North Gilbert Road.*
3. *The maximum number of guests at an event may not exceed 150.*
4. *Compliance with the 'Good Neighbor Policy' dated April 5, 2012, submitted with the request.*
5. *Compliance with all conditions of approval for ZA08-028, except as modified by this request.*
6. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits, including retention and location of the Solid Waste Enclosure.*
7. An eight-foot tall landscape hedge is to be planted at north and west property lines. Landscape plan to be approved by staff.
8. Special Use Permit expires on January 1st, 2013.

Vote: Passed 7-0

FINDINGS

- 1.1 The existing development consists of three separate buildings that serve as offices. This property was rezoned in 1998 from RS-9 to OC, allowing the single-family home to be converted into an office (reference Z98-108). A SCIP was approved on this site on March 25, 2008 (ZA08-028) granting several deviations to code relating to landscaping and setbacks to accommodate the expansion of the office building so that they could accommodate conferences, seminars and workshops on the site related to the office use.
- 1.2 Since the previous SCIP approval in 2008, the applicant has decided to expand the use of the site to utilize the back yard space for outdoor receptions. The parking requirements for this additional area are 1 space for every 200 square feet of outdoor space for the requested outdoor activity. The proposed outdoor area is 9,068 square feet, which would require 45 spaces. The applicant has provided 14 parking spaces on site and has proposed that 41 additional parking spaces can be provided off-site. The applicant has also requested that the Board consider an alternative parking plan to allow additional parking when necessary through a valet service at the existing Montessori Education Center North, located at 815 North Gilbert Road. The use of this facility as an alternative parking location would be with valet service only, so that guests would not be crossing Gilbert Road. According the revised narrative provided by the narrative, only the valet would access the Montessori school site and would utilize the traffic light and crosswalk at Adobe. The applicant has also agreed to cap the guest count at 150 for any event. (See condition of approval 3.) The City will also need to receive a recorded parking agreement with the Montessori Education Center North so that there is assurance that they are in agreement to the valet parking option.
- 1.3 To accommodate the off-site parking, the applicant has proposed a parking agreement with the adjacent medical office buildings to the north of the site at 944 North Gilbert Road. A copy of a signed agreement with the owner of one building to the north has been provided. The owner of the second building on the north is not agreeable to allow parking for events. Therefore only the southernmost 41 spaces are available for use by the applicant for events. The applicant will provide barricades to prevent parking on the spaces for the north building. The City of Mesa needs to receive a copy of the recorded reciprocal parking agreement with the property owner of the southern building so that

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there is assurance that this parking will be able to be accommodated long term.

- 1.4** Staff received one call from an employee in the northernmost office building north of this site. The employee indicated that the property owner for that building may have some concerns regarding the proposed shared parking. However, at the time of this report, staff had not received any calls or correspondence from that property owner. Staff has also received three e-mails from concerned neighbors. Two of those neighbors are directly adjacent to the proposed reception center. They raised concerns with the noise from the music in the evenings, empty alcoholic beverage bottles being thrown into their yard and with parking on East Enrose Street blocking their driveways and access to their neighborhood.
- 1.5** A summary of Code requirements, what was previously approved as part of ZA08-028, and staff recommendation is shown in the table below in regards to the existing buildings.

	Code Requirement	Previously Approved (ZA08-028)	Staff Recommended
Landscape Setback Gilbert Road North Property Line West Property Line South Property Line	30' 15' 20' 20'	17.5' 0' adjacent to parking area 15' adjacent to play area 56' 30'	Compliance with ZA08-028
Perimeter Landscaping Gilbert Road North Property Line West Property Line South Property Line	8 trees/24 shrubs 11 trees/44 shrubs 9 trees/34 shrubs 12 trees/47 shrubs	12 trees/42 shrubs 11 trees/44 shrubs 11 trees/34 shrubs 16 trees/51 shrubs	Compliance with ZA08-028
Parking Lot Landscape Islands	2 islands	0 islands	Compliance with ZA08-028
Parking Spaces	45 parking spaces	14 spaces for office use only	As proposed with recorded parking agreements (see condition of approval 2.)

- 1.6** As part of the previous approval, the applicant made significant improvements to the site in terms of landscaping. Perimeter landscaping exceeds or meets current Code requirements. If any of the landscaping that was previously approved has been removed, it will need to be replaced to comply with the number of plants identified in the previous chart.
- 1.7** There are no parking lot landscape islands in the circular parking area due to the configuration of the parking and the limited area to maneuver, parking lot landscape islands may be a detriment to the flow of on-site traffic. Therefore, there is no recommendation to provide parking lot landscape islands with this request.
- 1.8** Full compliance with current Code requirements would result in the elimination of required parking spaces in the front and side yards. In addition, parking lot landscape islands would reduce maneuverability within the site and eliminate required parking spaces.
- 1.9** As justification for the SCIP, the applicant has noted: 1) in order to meet full compliance with the zoning code major changes to the existing site plan would need to occur including the demolition of a portion of the existing building, 2) the requested reductions are existing site conditions, 3) and the use of the outdoor area for outdoor receptions is not creating any new non-conformities and meets code requirements with exception to the required parking, which will be provided off-site (pending recorded parking agreements).

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- 1.10** With regard to the compatibility of the wedding reception use with surrounding areas, the applicant has established what she calls a “Good Neighbor Policy” and she has gone to the neighbors to discuss their concerns. Staff has received concerns from neighbors. The items listed seem to be issues that could be resolved through better policing of the activities of the guests. The applicant indicates that she has provided her contact information to all adjacent property owners so that they can contact her if there is an issue.
- 1.11** The applicant has provided a copy of her “Good Neighbor Policy” which identifies that she will comply with all City of Mesa Noise Ordinance requirements including a 10pm music curfew. They have committed that they will not accommodate events with more than 150 people and will only hold large events when the offices to the north are not open for business. (See condition of approval 3.)
- 1.12** The site plan submitted, including staff recommended conditions of approval, provides substantial conformance with current Code requirements that justify the requested SCIP. Additionally, the proposed use and improvements are consistent with the previously approved SCIP (ZA08-028) and with the applicant’s proposed “Good Neighbor Policy”, will be compatible with, and not detrimental to, adjacent properties in the area.

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Case No.: BA12-019

Location: 1648 East Main Street

Subject: 1648 East Main Street (District 4) – Requesting a Development Incentive Permit to allow the redevelopment of a vehicle sales lot in the GC zoning district. (PLN2012-00143)

Decision: Approved with conditions

Summary: Michael Jorgensen, the applicant, presented the case to the board. Mr. Jorgensen stated the owner is content with the conditions set forth by staff excluding the condition that requires the removal of the second driveway. Mr. Jorgensen explained the second driveway is necessary for vehicular mobility.

Staff member Lesley Davis presented the staff report and explained staff is concerned that the driveway does not lead to anything but the display lot. Ms. Davis stated the Transportation Department said the request is acceptable, but a gate would have to be added to the driveway.

Conversation ensued between board members and staff about the possibility of moving the displays and the additional gate.

Staff member Lesley Davis explained that the applicant is willing to put a rolled curb rather than extruded curb where adjacent to the parking to gain access to the site from the secondary driveway.

Motion: It was moved by Board member Labadie seconded by Board member Jones to approve case BA12-019 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *Provide a 15-foot setback along Main Street allowing for Vehicle Displays at 8-feet in accordance with Section 11-31-5(B) of the City of Mesa Zoning Ordinance.*
3. *Provide two additional trees along the north property line adjacent to the reduced setback area to provide a visual buffer for the residential.*
4. *Removal of all existing non-conforming signs on the property. All signage must be in conformance with Zoning Ordinance standards.*
5. *Compliance with all requirements of the Design Review Board.*
6. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits, including retention and location of the Solid Waste Enclosure.*

Vote: Passed 7-0

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FINDINGS

- 1.1. The applicant was approved for a Development Incentive Permit (DIP) to allow for the development of an automotive dealership. The proposal is to redevelop the existing automotive dealership by replacing the building and upgrading the landscaping on the site. The applicant has proposed several improvements to the site that largely comply with current Code requirements, with the exception requests to deviate from the required building and landscape setbacks along the north property line adjacent to the existing RM-4 development, a reduction to the required 10% of landscaping required on the interior of the site, and an increase in the amount of allowable vehicle display space along Main Street.
- 1.2. It has been established that the site qualifies for a DIP, as it has all three of the following conditions: 1) the site does not exceed 2.5 acres; 2) the site has access to existing utilities; and 3) it is surrounded by properties within a twelve hundred foot radius in which greater than fifty percent of the total number of lots or parcels have been developed fifteen or more years.
- 1.3. On December 13, 2011, the Board of Adjustment approved a DIP for this site. The property owner has not changed, but there have been significant changes to the site plan. The current proposal shows an increase in building size for the office and showroom building and the addition of a 3,188 square foot service building. The building location has changed from the northwest corner to the northern center portion of the site with the service building located in the northeast corner of the property.
- 1.4. A reduction has been requested for the required 20-foot setback adjacent to the RM-4 development along the north property line. There is one unit directly adjacent to the north property line of this site. It is located directly north of the proposed service building. The applicant has proposed to comply with the required building and landscape setback adjacent to that existing mobile home, but has asked to encroach into that setback to accommodate a drive aisle that accesses the secured yard behind the building. This encroachment is adjacent to a drive aisle within the park and separated by a masonry wall. This places the nearest mobile home at approximately 30-feet. Staff has requested that the applicant provide a way to include at least two canopy trees adjacent to the drive aisle to provide a visual buffer for the neighbors to the north. (See condition 4.)
- 1.5. The newly adopted Zoning Ordinance identifies some special allowances for the development of Automobile/Vehicle Sales Lots. One of those requirements is that in addition to perimeter and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area. The applicant has requested a deviation to that requirement to provide a total of 2,629 square feet of landscape area, which is 6 percent less than the landscaping required by the Zoning Ordinance. This is a 1% increase over their previously approved DIP. The applicant has requested this deviation to allow additional vehicle display area. They have provided parking lot landscape islands at both ends of the two long rows of parking at the center of the site. Overall, they are landscaping 24.2% of the site.
- 1.6. An additional requirement in the newly adopted Ordinance for this specific use is an allowance for a maximum of 30 percent of the street side landscape area to be used for vehicle display with a minimum 12-foot wide planter strip to separate vehicle display areas from sidewalks along the streets. Vehicle display encroachments wider than 30-feet shall be separated by a minimum distance of 30-feet between similar vehicle displays that encroaches into the street side landscape area. The minimum setback along Main Street is 15-feet. The applicant has requested to increase the amount of vehicle display space to approximately 50% of the frontage.

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- 1.7. In addition to the qualifying criteria for the DIP, the proposed development for the site is consistent with the General Plan and is a permitted use as specified in the zoning ordinance. Further, the applicant has provided a degree of compliance with Code that is commensurate with or exceeds surrounding existing development. The requested deviations are necessary to accommodate the proposed development to insure that the site remains secure. Further, the applicant has had a 'Work Session' with the Design Review Board and the project is in compliance with the Design Guidelines. The applicant is working with Planning Division staff on their final Design Review approval.

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- Case No.:** BA12-020
- Location:** 1303 South Lindsay Road
- Subject:** 1303 South Lindsay Road (District 2) – Requesting a Special Use Permit for a Comprehensive Sign Plan for a place of worship in the RS-7 zoning district. (PLN2012-00148)
- Decision:** Approved with conditions
- Summary:** This case was on the consent agenda and not discussed on an individual basis. The request was for additional signage for the existing Mesa Preparatory Academy, which is located on the First Assembly of God Church campus.
- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-020 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 this Special Use Permit.*
 3. *Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.*
- Vote:** Passed 7-0

FINDINGS

- 1.1 Based on current Code requirements, the school/church campus could be permitted two signs up to 32 sqft each, and if detached, up to 8-ft high. Directional signs and similar informational signs are also permitted, up to 6 sqft each and 6-ft high.
- 1.2 The Church campus currently have the following signs:
 - a) One monument sign for the church- 35 square feet for 8'-8" high
 - b) Two directional signs for 5 square feet each for 4' high
 - c) Two attached signs (32 square feet for 3' height and 5.77 square feet for 8" height)
- 1.3 The approved monument sign is designed to identify and direct parents, students and visitors to the school located within the Church campus. The purpose of the new Comprehensive Sign Plan (CSP) is to provide design standards and general guidelines that assure consistency in quality, placement, scale, illumination and materials for all site signage. It is intended that all signs be designed and placed as to contribute to, and improve upon, the overall character and aesthetic theme of the site. The requested sign is designed to match and complement the existing Church monument sign.
- 1.4 Given that the property has more than 900 lineal feet of street frontage along Lindsay Road, and is located across the street from an existing elementary school, the request for one additional monument sign seems reasonable. It would provide proportionate identification to both school and church in a manner consistent with the intent of the comprehensive sign plan and current Code requirements. The proposed monument sign

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will be compatible with the existing development as well as surrounding properties, and will not be detrimental to adjacent development.

- Case No.:** BA12-021
- Location:** 3020 East Main Street
- Subject:** 3020 East Main Street (District 2) – Requesting a Variance to allow signage to exceed the maximum allowed in the RM-4 zoning district. (PLN2012-00151)
- Decision:** Approved with conditions
- Summary:** This case was on the consent agenda and not discussed on an individual basis. The request was for two monument signs for Mesa Spirit RV Resort.
- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-021 with the following conditions:
1. *Compliance with the plan submitted, except as modified by the conditions listed below.*
 2. *Any additional signage not identified with this variance request will require separate approval and permit.*
 3. *Compliance with the approval of the administrative review request for design of guard shack including fence details.*
 4. *Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.*
- Vote:** Passed 7-0

FINDINGS

- 1.1** The approved variance would permit two detached monument signs. Each sign is 22 square feet, and 9-feet high. The aggregate of the two signs is 44 square feet, and 18 feet high. Therefore the proposal reduces the allowed aggregate area, from 66 sqft to 44 sqft, but raises the aggregate sign height from 12-feet (per Code) and 12-feet (per approved variance) to 18-feet.
- 1.2** The existing sign is in the center of the driveway access on raised median, which has been damaged on various occasion by the incoming RVs turning into the resort. RVs typically require wider turning radius than standard vehicles like cars and trucks. The property was previously granted a variance in 2001 for the existing monument sign (68 sq. ft. for 12-feet high), however, the existing sign location in the center of the driveway has become a safety issue. The proposal trades two somewhat smaller signs for the one larger center drive location.
- 1.3** Given the safety issue, and the difficulty in turning RVs into this site without hitting the present central drive sign, the proposed two-sign allowance seems reasonable. The previous variance noted the special conditions of the limited street frontage for such a large development, and these special conditions are still present. Trading two lower and smaller detached signs for one larger detached sign, and increasing the safety of the access to the site for RV users appears to be a justifiable response.

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- Case No.:** BA12-022
- Location:** 1235 South Power Road
- Subject:** 1235 South Power Road (District 6) – Requesting a Special Use Permit to modify a Comprehensive Sign Plan for a group commercial center in the LC-PAD zoning district. (PLN2012-00146)
- Decision:** Approved with conditions
- Summary:** This case was on the consent agenda and not discussed on an individual basis. The request was for a modification of an existing Comprehensive Sign Plan for WinCo Foods.
- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-022 with the following conditions:
1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
 2. *Compliance with all conditions of BA94-001 and BA12-09, except as modified by this request.*
 3. *Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.*
 4. *Placement of the signs must be in compliance with all City of Mesa standards.*
 5. *Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.*
- Vote:** Passed 7-0

FINDINGS

- 1.1** The approved Special Use Permit (SUP) would allow the modification of the approved Comprehensive Sign Plans (CSP) for the Costco and Mesa Pavilions group commercial development, as approved by cases BA93-033, BA94-001, BA08-48 and BA2012-009.
- 1.2** The largest tenant in the center was Costco. Costco received approval for a larger attached sign in lieu of any monument signage (BA93-033). Their approval was for a total of 503.5 square-feet of attached signage. Winco is proposing to significantly reduce the attached signage to meet the code requirements outlined in the Zoning Ordinance for attached signs, which would allow them a 3 attached signs with a total maximum of 160 square-feet of sign area. The reduction of the amount of attached signage is significant. Winco is already approved for one 103 square feet of monument sign (BA12-009).
- 1.3** Now Winco Foods is requesting for four attached signs for a total of 350 square feet. Two among those will be identifier for 120.3 square feet each, one facing Hampton Avenue and the other facing Southern Avenue and the two other additional signs for approximately 50 square feet each, both facing Hampton Avenue.
- 1.4** As justification for the additional sign, the applicant has noted that: 1) The original Costco wall signs were in excess of 700 square feet; 2) Normal Winco Foods sign is 199 square feet, which exceeds maximum allowed single sign; and 3) Winco is willing to reduce the size of the signs but asks for the additional signage square footage so it can be seen on the north and south elevations.

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- 1.5** Given that the attached signage for the Winco is reduced than previously approved for Costco and the number of signs and aggregate height and sign area will remain consistent with the intent of the comprehensive sign plan and current Code requirements, the proposed attached signs will be compatible with the existing development as well as surrounding properties, and will not be detrimental to adjacent development.

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- Case No.:** BA12-023
- Location:** 112 South Country Club Drive
- Subject:** 112 South Country Club Drive (District 4) – Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of an existing office in the DB-1 zoning district. (PLN2012-00153)
- Decision:** Approved with conditions
- Summary:** This case was on the consent agenda and not discussed on an individual basis. The request involved the conversion of a former contractor’s office into a behavioral health treatment office.
- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-023 with the following conditions:
1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
 2. *All drive aisles leading to the site and the parking field shall be paved with asphalt or concrete.*
 3. *The parking shall be reconfigured adjacent to the north property line to be reverse-angled so it can be accessed by employees and clients approaching the site in a forward motion and then turning to back-up into the parking space allowing the vehicle to exit the site in a forward motion.*
 4. *The area of the shade structure shall be reduced to a maximum of 32’ wide by 12’ deep maximum to allow the provision of additional parking and landscape to the east and west of the parking area.*
 5. *Provide landscape material adjacent to the west property line.*
 6. *Provide a landscape courtyard to the west of the building.*
 7. *Compliance with all requirements of the Development Services Office with regard to the issuance of building permits.*
- Vote:** Passed 7-0

FINDINGS

- 1.1** The applicant was approved for a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of an existing vacant building on an existing lot with limited access. The existing site condition includes a 3,600 square foot building constructed across the entire width of the lot with no access provided to the rear of the site for parking. Access to the site is provided via a drive aisle accessed from Dana Avenue.
- 1.2** The applicant is proposing an interior remodel and limited exterior refurbish of the building rear area of the lot. Based on limited records, it is estimated that the building was previously used as an office, retail, or cabinet manufacturer. Now that the applicant wishes to reoccupy the site, they face the challenge of providing parking for the occupants and clients of the proposed mental and behavioral health treatment office.

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- 1.3** An application has been filed for a SCIP requesting the following: reduction in the number of required parking spaces, parking development standards, landscape, and foundation base width.
- 1.4** As justification for the SCIP, the applicant noted: 1) The property exists built out and consists of limited width dimensions with the building constructed on the three property lines; 2) Access to site is solely through an access easement far from the street frontage of the site; 3) Provision of standard parking and drive aisle standards would require crossing the property line to park and maneuver; 4) Demolition or reconstruction of the building would be necessary in order to provide access from Country Club Drive; 5) The provision of parking at the rear of the building would also be precluded by perimeter landscape setbacks; and 6) Compliance with current Code requirements would cause the building to continue in a vacant and deteriorated state.
- 1.5** Consistent with the requirements for review of a SCIP, full compliance with current Code development standards would require significant alteration to the existing development site, including demolition of the existing building.
- 1.6** Minor modifications to the site have been proposed that with the staff recommended conditions for approval improve the overall compliance with current development standards. These improvements include the provision of parking at the site with landscape.
- 1.7** The deviations requested include: 1) maintenance of zero-setbacks from the all property lines, 2) maintenance of reduced foundation base width around the building, 3) minor reduction in the parking standards, 4) with the exception minor landscape areas to the west and east of the parking, no on-site landscaping would be provided.
- 1.8** Given the limited access to the site and the placement of the existing building on the site, it is not possible to accommodate building or landscape setbacks. Given the access constraints of the site, the prevailing pattern of zero-setback development, and the staff recommended conditions of approval for the provision of parking, such deviations can be justified.
- 1.9** The requested deviations will allow the use of a nonconforming site with minor site improvements that are in proportion to deviations requested. The proposal will result in improved compliance with minimum parking requirements, allowing use of the site. The applicant proposed site plan, including recommended conditions of approval, provides substantial conformance with current standards and will be compatible with and not detrimental to the surrounding neighborhood.

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Case No.: BA12-024

Location: 1258 West 1st Place

Subject: 1258 West 1st Place (District 3) – Requesting a Variance to allow an accessory dwelling unit to encroach into the required yard in the RS-6 zoning district. (PLN2011-00392)

Decision: Withdrawn

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 Jones to withdraw case BA12-024.

Vote: Passed 7-0

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- Case No.:** BA12-025
- Location:** 235, 245, and 259 South Hibbert and 254 S Pomeroy
- Subject:** 235, 245, and 259 South Hibbert and 254 S Pomeroy (District 4) – Requesting a Special Use Permit to allow outdoor storage in the DB-2 zoning district. (PLN2012-00158)
- Decision:** Approved with conditions
- Summary:** This case was on the consent agenda and not discussed on an individual basis. The request was for Special Use Permit that would allow Roofing Supply of Arizona, East Valley outdoor storage of their product.
- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-025 with the following conditions:
1. *Compliance with the site plan and outdoor storage plans submitted, except as modified by the conditions below.*
 2. *The entire outdoor storage area shall be screened by a minimum six-foot (6') high masonry screen wall.*
 3. *Including existing trees, provision of one (1) twenty-four inch (24") box size tree for every twenty-five feet (25') of perimeter screen wall. Trees shall be planted adjacent to screen walls.*
 4. *The height of outdoor storage shall comply with §11-30-7 of the Zoning Ordinance.*
 5. *Provision of a minimum of sixty-eight (68) on-site parking spaces that are accessible to users and include appropriate vehicle circulation area not hindered by the location of outdoor storage.*
 6. *Compliance with all requirements of the Development Services Department with regard to the issuance of building permits.*
- Vote:** Passed 7-0

FINDINGS

- 1.1 The Special Use Permit (SUP) allows use of a 2.36 acre site with an existing paved yard associated with an approximately 60,000 square foot office/warehouse development for outdoor storage of roofing materials.
- 1.2 The applicant notes that the site has a significant outside yard area, operation hours are Monday through Friday, approximately 85 percent of all materials will be stored inside the warehouse, and outside storage of materials will conform to the general use of the surrounding neighborhood.
- 1.3 Outdoor storage associated with a permitted office/warehouse use is allowed in the DB-2 Zoning District subject to the granting of a Special Use Permit and provided the outdoor storage is screened from adjacent properties and rights-of-way. Outdoor storage at this site would be compatible with the existing nature of development in the area. Provision of a screen wall that fully enclosed the outdoor storage area and additional screening mechanism in the form of trees planted at a rate of one tree for every 25 feet of screen wall along the entire perimeter of the site would help ensure the outdoor storage will not be detrimental to

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surrounding development.

- 1.4** The business has 19 employees and as shown on the site plan, 15 parking spaces exist adjacent to Hibbert and 53 parking spaces would be within the yard, for a total of 68 parking spaces. The storage site plan, however, identifies storage in locations that would prohibit the use of several parking areas in the yard. Staff is confident that the amount of parking provided for the site will be sufficient for the needs of employees and customers, provided parking within the yard is not blocked by outdoor storage.
- 1.5** While not consistent with the recommendations of the Central Main Plan, the light rail extension to Mesa Drive is not anticipated for opening until late 2015 and redevelopment pressures at this location is not likely to occur for several years after the opening of light rail. Further, the level of investment into this site would not be prohibitive to redevelopment in the future.

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Case No.: BA12-026

Location: 225 South Dobson Rd

Subject: 225 South Dobson Rd (District 3) – Requesting a Variance to allow the elimination of required parking in the LI zoning district. (PLN2012-00174)

Decision: Approved with conditions

Summary: Wayne Rosendahl, the applicant, represented the case and explained to the board his justification for why the parking should be decreased from 134 to 46. Mr. Rosendahl explained he is converting the old furniture showroom into a manufacturer's facility. The manufacturing facility would have a limited amount of staff and no walk-in customers. The parking plan that was previously approved (BA11-045) would make it difficult for semi-tractor trailers to reach the loading docks located on the south side of the building.

Staff member Angelica Guevara provided the staff report and answered questions from the Board.

Board member Jones asked staff where the entrance to the facility is located.

Staff member Angelica Guevara responded stating the entrance is on the private street.

Board member Labadie explained he thought the applicant's justification was legitimate. Board member Labadie proceeded to explain his concern is if there will be enough parking for the next tenant of this site.

Mr. Sheffield explained the board can limit the variance to only pertain to this specific set of conditions for this specific land use.

Conversation began between board members about the addition of a condition that would grant the parking reduction to just the applicant.

Motion: It was moved by Board member Labadie seconded by Board member Jones to approve with case BA12-026 with the following conditions:

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of BA11-045, except as modified by the conditions listed below.*
3. *Increase the width of the existing landscape yard adjacent to the south property line by additional 10-feet. The landscape yard shall contain 6 trees and 36 shrubs per 100' of linear street frontage. Vines on trellis shall be included to adequately screen the overhead doors from public view.*
4. *Future outdoor storage requires approval of rezoning of the site and compliance with Sec. 11-30-9.*
5. *Provide an automatic underground watering system to serve all landscape areas on the site.*
6. *Provide landscape islands on each side of a row of parking spaces to cap the*

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rows of parking provided on the south elevation of the building.

7. *Compliance with all requirements of the Development Services Office with the issuance of building permits.*
8. *Variance is limited to specific user and not transferrable to another user.*
9. *Applicant to provide written, signed and notarized letter acknowledging variance is limited to specific user and not transferrable to another property owner, user or business.*

Vote: Passed 6-1 (Stradling- nay)

FINDINGS

- 1.1 The applicant's narrative details the operations of the manufacturing business and anticipates the maximum number of employees on the site at any given time.
- 1.2 The operation is such that if the business need arises, based on the multi-million dollar machine used in the manufacturing process, employees would have to work staggered shifts which reduce the need for overlap parking on the site.
- 1.3 If the site was ever occupied by another user that invoked higher parking ratios, the 60,000 s.f. area identified as the truck staging area between the building and Dobson Road would be available for improvement for use as a parking lot.
- 1.4 Due to the reasons stated above special circumstances exist and a slight reduction to the required parking requirements is supported by staff.

1. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Kaelee Wilson, Planning Assistant

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