

Minutes

City Council Chambers, Lower Level
October 19, 2011

Board Members Present:

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

Staff Present:

Gordon Sheffield
Mia Lozano-Helland
Lesley Davis
Tom Ellsworth
Angelica Guevara

Board Members Absent:

Cameron Jones (excused)

Others Present:

RC Baldrige
Sheri Baldrige
Reese Anderson
Scott Petty
Margaret Roush-Meier
Others

The study session began at 4:36 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:40 p.m., the following items were considered and recorded.

Study Session began at 4:36 p.m.

- A. Zoning Code Update:
 - 1. Mr. Sheffield explained that there are some edits and modifications to the newly adopted Zoning Ordinance and they would be presented to the Planning and Zoning Board at their next meeting then to City Council in December.
 - 2. Commented on an ethics session he attended at the Arizona chapter of the APA conference in Tucson.
- B. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:30 p.m.

- A. Consider Minutes from the September 13, 2011 Meeting A motion was made to approve the minutes by Board member Labadie and seconded by Boardmember Hitchens. Vote: Passed 6-0-1 (Jones – absent)
- B. Consent Agenda a motion to approve the consent agenda as read was made by Board member Stradling and seconded by Board member von Borstel. Vote: Passed 6-0-1 (Jones-absent)

**Board of Adjustment Meeting
October 19, 2011**

Case No.: BA11-040

Location: 1061 North Dobson Road

Subject: Requesting a modification of a Special Use Permit (SUP) for a comprehensive sign plan in the C-2 BIZ PAD zoning district. (PLN2011-00134) **(Continued from the September 13, 2011 meeting)**

Decision: Approved with conditions

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

Motion: It was motioned by Board member Stradling, seconded by Board member von Borstel to approve case BA11-040 with following conditions:

1. *Compliance with the sign plan as submitted, except as modified by the conditions listed below.*
2. *Compliance with previously approved Comprehensive Sign Plans except as modified by this request.*
3. *Compliance with all requirements of the Development Services division with regard to the issuance of building permits.*

Vote: 6-0-1 (Jones absent)

Findings:

- 1.1 The applicant was approved for a Special Use Permit to modify to an existing comprehensive sign plan. As part of the approval, sign areas in excess of the Sign Ordinance maximum have been permitted.
- 1.2 Unique conditions were present in the form of both the development site, and the type of development requested.
- 1.3 A Comprehensive Sign Plan was approved for Mesa Riverview as Board of Adjustment case BA06-005. That sign plan approved 41 detached signs plus an additional 21 interior directional signs. The previous plan did not include "Mesa Riverview" signs at the entrances, just a low wall. The current application replaces all of those signs and 23 additional detached signs with 15 interior directional signs including 5 entry identification signs for Mesa Riverview at all major entrances to the development including one attached entry identification sign on the gazebo at the corner of 8th Street and Dobson. The new approval significantly reduces the number of signs in the development.
- 1.4 The only modification to the attached signage was the additional Mesa Riverview sign that will be attached to the gazebo on the corner at 8th Street and Dobson. This sign is 171 square-feet and identifies the name of the development.
- 1.5 The new modification is consistent with the intent of the approved Comprehensive Sign Plan.

**Board of Adjustment Meeting
October 19, 2011**

- Case No.:** BA11-043
- Location:** 2565 East Southern Ave
- Subject:** Requesting a Minor Modification of a Planned Area Development (PAD) Overlay to allow the modification of rear yards in the R-2 PAD zoning district. (PLN2011-00224) **(Continued from the September 13, 2011 meeting)**
- Decision:** Approved with conditions
- Summary:** Reese Anderson represented the case and provided details regarding the request.
- Margaret Raush-Meir, 2565 E. Southern Ave #48, spoke regarding the case and explained to the Board that she and other property owners in the subdivision had issues with the developer. Due to the lack of notification to the homeowner's and the changes made to the subdivision she requested that the Board refrain from any further approvals until the concerns were addressed.
- Board member Hitchens asked for clarification of Ms. Raush-Meir's comments.
- Board member Labadie asked Ms. Raush-Meir if she had specific concerns with the setbacks being considered. She responded that she did not.
- Mr. Anderson provided the Board with documents that were sent to the property owners notifying them of proposed changes.
- Gordon Sheffield briefly spoke of recent changes to the notification distances approved by City Council.
- Tom Ellsworth provided the staff report and recommendation.
- Board member Stradling commented on the issues presented and his support for the applicant's request.
- Chair McCray commented that he was also in favor of the modifications.
- Board member Harris agreed that the property owner's issues were not related to the setback request.
- Motion:** It was motioned by Board member Labadie, seconded by Board member Hitchens to approve case BA11-043 with the following conditions:
1. *Compliance with the site plan submitted.*
 2. *Compliance with all requirements of the Development and Sustainability Department in the issuance of building permits.*
- Vote:** Passed 6-0-1 (Jones absent)

**Board of Adjustment Meeting
October 19, 2011**

Findings:

- 1.1** The RM-2 PAD zoning on the property was established in May 2004 with zoning case Z04-08. The PAD was approved with a site plan including 165 single-family attached condominium units establishing a perimeter setback of 20' for the south property line. Property lines were established as part of the condominium plat creating individual lots for each unit.

- 1.2** In January 2011, the Planning Director approved minor modifications to the site plan for Lindsay Park to allow changes in product type from single-family attached to single-family detached product and established the development standards for single family lots based on the approved PAD. The City Council subsequently approved a re-plat of the subdivision creating single family detached lots. The administrative approval and approved plat established a rear yard setback for lots 95-103 as 20' to livable and 15' to the patio to match the rear yard setbacks to the RS-7 subdivision to the south. Lots 104-115 were approved to match the rear yard setbacks for the RM-2 PAD subdivision south of them.

- 1.3** City Council approved modifications to the zoning code in July of 2011 which established new development standards for single family lots within the RM and RS zoning districts. As a result, the standards for single family detached development within the RM-2 zoning district now allows a rear yard setback of 15' to livable and 10' patio by right. Because Lindsay Park setbacks were established with a PAD overlay the PAD setbacks are applicable over the new zoning code standards.

- 1.4** The zoning code change also modified the rear yard setbacks of the RS-7 zoning district to the south to allow additions to the existing homes to encroach 10' into the rear yard setback for up to 50% of the width of the home; In essence allowing a 10' rear yard setback for a portion of the livable area of the home.

- 1.5** Staff found that this approval was not only consistent with the intent of the original PAD, but was also consistent with the recently approved update to the zoning ordinance.

**Board of Adjustment Meeting
October 19, 2011**

Case No.: BA11-044

Location: 1415 East McKellips Road

Subject: Requesting a Variance to allow a fence to exceed the maximum height allowed in the zoning district. (PLN2011-00233)

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 BA11-044 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 6-0-1 (Jones absent)

Findings:

- 1.1** The approved variance permits the applicant to erect a 27-high, 180-foot fence consisting of nylon netting attached to telephone poles to protect the adjacent homes from golf balls inadvertently hit in the existing "Pitch and Chip" facility southeast of the clubhouse.
- 1.2** The area designated for the "Pitch and Chip" was previously a practice facility in the 1970's and 1980's until part of the land was sold and developed as residential. The new practice facility is much smaller.
- 1.3** These types of fences are not unusual adjacent to homes on golf courses and other golf courses have been granted similar variances.
- 1.4** There were special circumstances that applied to this case that were pre-existing and not self-imposed. Strict compliance with the Code requiring the property owner to adhere to the existing 6' block wall that surrounds the neighbors with no protection from the golf balls. This variance approval does not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property

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**Board of Adjustment Meeting
October 19, 2011**

Case No.: BA11-045

Location: 225 South Dobson Road

Subject: Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of an industrial building in the LI zoning district. (PLN2011-00244)

Decision: Continued to the November 8, 2011 meeting.

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 continue case BA11-045 to the November 8, 2011 meeting.

Vote: Passed 6-0-1 (Jones absent)

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**Board of Adjustment Meeting
October 19, 2011**

C. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

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