

Minutes

**City Council Chambers, Lower Level
February 14, 2012**

Board Members Present:

Garrett McCray, Chair
Nicholas Labadie
Tyler Stradling
Dianne von Borstel
Danette Harris
Cameron Jones

Staff Present:

Angelica Guevara
Mia Lozano-Helland
Lesley Davis
Tom Ellsworth

Board Members Absent:

Greg Hitchens, excused

Others Present:

Others

The study session began at 4:40 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:05 p.m., the following items were considered and recorded.

Study Session began at 4:40 p.m.

A. Zoning Administrator's Report:

1. Chicago Cubs Sign Plan: This discussion was postponed to the March 20th meeting.

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

Public Hearing 5:30 p.m.

A. Consider Minutes from the January 10, 2012 Meeting a motion was made to approve the minutes by Board member Jones and seconded by Board member von Borstel. Vote: Passed 6-0-1 (Hitchens - absent)

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 6-0-1 (Hitchens - absent)

**Board of Adjustment Meeting
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Case No.: BA12-007

Location: 361 South Lindsay Road #2

Subject: Requesting a Special Use Permit (SUP) to allow a small indoor collection facility in the LC zoning district. (PLN2012-00015)

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 Jones to approve case BA12-007 with the following conditions:

1. *Compliance with the site plan, floor plan, and compatibility statement submitted, except as modified by the conditions listed below*
2. *All unauthorized signage shall be removed and all proposed signage is subject to the issuance of sign permits.*
3. *Containers shall be clearly marked to identify the type of materials that may be deposited.*
4. *Storage containers shall be kept within the building, no outside storage is allowed.*
5. *The doors to the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation.*
6. *The facility shall display a notice stating that no material shall be left outside of the building.*
7. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*
8. *This Special Use Permit is non-transferrable and terminates upon the transfer of the business to any other operator or business owner.*

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

Findings:

- 1.1 The facility is within an existing commercial center occupied by several other commercial tenants. The applicant indicated all activity would be conducted within their suite. There is no obstruction of pedestrian or vehicular circulation. The project complies with the location criteria.
- 1.2 Clean the Planet is in Suite #2 which is approximately 154' from the nearest residential use located on the west side of Lindsay Road. The project exceeds the minimum distance from an R (residential) zone of 100 feet.
- 1.3 The applicant indicated they would only occupy 720 s.f. The project complies with the 1,000 s.f. limitation on area.
- 1.4 The applicant indicated in their compatibility statement that no power-driven equipment would be used, therefore consistent with the requirement.

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- 1.5** The applicant indicated all recyclable material will be stored within their suite in containers and will be removed at the end of the day. The project complies with the storage container and location requirements.
- 1.6** Clean the Planet provided a compatibility statement indicating they will maintain their suite clean and free of litter by removing recyclables from their suite every night. The project is consistent with the maintenance requirements.
- 1.7** The applicant indicated recyclables will be purchased within the building and stored in containers inside the building and removed at the end of each day.
- 1.8** Occupation of parking spaces by a reverse vending facility and by the attendant (if present) may not reduce available parking spaces below the minimum number required for the site. The applicant will use suite #2 for all sale and storage activity related to the indoor recycling facility which will be serviced by the business owner and an employee without the use of vending machines. The facility is within an existing multi-tenant commercial building which provides shared parking for all tenants. Outdoor storage is not anticipated nor allowed within the LC district; therefore, the project complies with the parking requirements.

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Case No.: BA12-008

Location: 4245 East Palm Street

Subject: Requesting: 1) a Special Use Permit (SUP) to allow the placement of a statue; and 2) a Variance to allow an encroachment into the foundation base; all in the LI zoning district. (PLN2012-00007)

Decision: Approved with conditions

Summary: Brad Kaczmarek presented the case and commented on an encroachment of a foundation base landscaping strip along a service drive that would have impacted the size of the storage yard. He added that providing this requirement would create a hardship for the project.

Owner, Ken Neal stated that the addition of the landscaping strip would not look good on the building. Current photos of the site were provided to document their concerns.

Board member Labadie asked for more details from the west view.

Board member Stradling asked the age of the building and the response was that the building was constructed in 2004.

Bob Carufel 6532 E. Rustic Dr., an adjacent business owner spoke in support of the project.

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

Board member Stradling asked for clarification of the reason the original design had not required the foundation base landscaping. He further asked if having a fence would suffice. Ms. Davis explained that the original development had been done under a different code that did not have the landscaping requirement. She further stated that a fence would negate the need for the foundation base requirement.

A discussion ensued regarding the request and the impact of having foundation base landscaping requirement solely on the new addition. Chair McCray commented that he saw the need for the foundation base, but supported the applicant's desire to eliminate the requirement. Board member Stradling provided the motion with amended conditions of approval.

Motion: It was moved by Board member Stradling seconded by Board member Labadie to approve case BA12-008 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all city development codes and regulations.*
3. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

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

Findings:

- 1.1** This variance allows the required 5-foot foundation base to be eliminated at the south side of the outdoor storage yard. The applicant stated in their justification statement that the existing building does not meet the minimum 5-foot requirement for foundation base and that the installation of the 5-foot foundation base would reduce the size of the outdoor storage yard. The applicant also stated that this will not grant special privilege due to the fact that several of the buildings within the development do not meet the requirement. Also, that the site is well landscaped and is not visible from public view.
- 1.2** The Special Use Permit allows the placement of a historical military tank as a sculptural site element. The SUP allows an additional 286.5 square feet of signage. The applicant did not propose a monument sign, but an attached sign that will not exceed 160 square feet in area. This is the maximum amount of sign area allowed per code. Due to the tank, the overall sign area is increased. As approved the additional sign area to accommodate the military tank is used solely as statuary, and cannot be transferable to existing or future signs in the event the tank is removed.

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Case No.: BA12-009

Location: 1235 South Power Road

Subject: Requesting a Special Use Permit (SUP) to modify an existing comprehensive sign plan in the LC-PAD zoning districts. (PLN2012-00008)

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 Jones to approve case BA12-009 with the following conditions:

- 1. Compliance with the sign plan submitted, except as modified by the conditions below.*
- 2. Compliance with all conditions of BA94-001, except as modified by this request.*
- 3. No sign shall exceed 14' in height to the top of any embellishment.*
- 4. Placement of the signs must be in compliance with all City of Mesa standards.*
- 5. Compliance with all requirements of the Development and Sustainability Department in the issuance of sign permits.*

Vote: Passed 6-0-1 (Hitchens– absent)

Findings:

- 1.1** The requested 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 and BA08-48. The requested sign would allow the Winco, which will occupy the old Costco building to be identified at the street with an additional monument sign. The approved CSP allows 10 monument signs with an aggregate height of 119-feet and an aggregate area of 712 square feet. Based on the information provided, the proposed monument sign would increase the number of signs for the shopping center to 11 with an aggregate height of 115-feet, and an aggregate area of 764 square feet. While it appears that the existing number of signs, height, and area does not comply with the existing CSP, a parcel that was previously considered exempt has been included in the calculations as it has since been developed.
- 1.2** Based on current Code requirements, the development could be permitted up to 18 signs with an aggregate height of 217-feet and an aggregate area of 2170 square feet. The aggregate number of signs, height, and area that was ultimately approved with the CSP was the same that was approved for Superstition Springs community located at the southeast corner of Power Road and Hampton Avenue, which is immediately south of Mesa Pavilions. Further, the restrictions to detached sign number, height, and area imposed by the approved CSP were intended to offset the additional attached sign area permitted for specific tenants within the development. 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

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of attached signage is significant. It is not anticipated that an additional monument sign would be out of character with this development.

- 1.3** The proposed monument sign would be 17-feet in height (measured to the top of the sign copy), and 103 square feet in area. Current Code limits the area of a monument sign to 80 square-feet and 12-feet high. The previously approved CSP's limited the height to 14-feet at the top of any embellishment. Sufficient justification does not exist for individual sign height in excess of 14-feet to the top of the embellishment. Consequently, a condition was included to ensure that the sign is not larger than 14-feet.
- 1.4** Mesa Pavilions was constructed in the early 1990s, and the needs of the development have changed over time. While the approved number of monument signs was at one time appropriate for the development, it has expanded to include additional retail. Given that the identification of the new Winco store and many inline tenants is only visible from within the development, it is possible that identification for these tenants is inadequate to draw in new patrons. An additional monument sign would ensure the viability of the development by allowing more tenants to be identified at the street.
- 1.5** Given that the attached signage on the Winco will be reduced 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 monument sign 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.:** BA12-010
- Location:** 2918 South Alma School Road
- Subject:** Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing retail building in the LC zoning district. (PLN2012-00011)
- 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 Jones to approve case BA12-010 with the following conditions:
1. *Compliance with the site plan submitted, unless modified by the conditions below.*
 2. *The secured parking area is to remain open during business hours. No outdoor storage is allowed within the secured parking area.*
 3. *Provide an 11' landscape setback along the west property line in front of the wall for the secured parking area to match the landscape setback shown on the site plan for case ZA05-114 by removing the four parking spaces shown on the site plan submitted.*
 4. *Compliance with all requirements of the Development and Sustainability Division with regard to the issuance of building permits.*
- Vote:** Passed 6-0-1 (Hitchens - absent)

Findings:

- 1.1 The applicant was approved for a Substantial Conformance Improvement Permit (SCIP) to allow the intensification of an existing nonconforming site. The project consists of the addition of approximately 6,560 square-feet to the existing 12,200 square-foot retail building and the addition of a secured parking area in the rear of the building for the parking of fleet vehicles after hours.
- 1.2 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 existing buildings, elimination of on-site parking, and the disruption of vehicular circulation. Minor modifications to the site will improve the overall compliance with current development standards. These improvements include further compliance with the foundation base requirement and the addition of the required foundation base landscaping along the south elevation to meet current code requirements. The expansion also creates an increased landscape "plaza" area in front of the main entry.
- 1.3 The approved deviations include: 1) maintaining the zero-setback along the Alma School frontage, 2) maintain the reduced foundation base width along the east elevation, 3) the reduction of the setback along the west property line to allow a zero-setback behind the wall for the parking area and a reduction to 11' to match the site plan approved in the center with ZA05-114. Given the limited space to accommodate the required design standards from the zoning ordinance and the fact that the site plan modifications, due to the addition, so not create new non-conformities on the site, such deviations were justified.

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- 1.4** The deviations allow the continued use of the nonconforming site with minor site improvements that are in proportion to the degree of approved changes. The project will result in improved compliance with foundation base landscaping. The applicant site plan, including conditions of approval, provides substantial conformance with current standards and will be compatible with and not detrimental to the surrounding neighborhood.
- 1.5** To be consistent with the City's residential design guidelines and encourage variety in the development of the subdivision, a condition of approval was included that prohibits: 1) the placement of two identical elevations on adjacent lots or on lots across the street from each other; 2) the placement of more than two identical elevations with different exterior colors within five consecutive lots on the same side of the street
- 1.6** The applicant performed neighborhood outreach, including a neighborhood meeting, notification of public hearing to all property owners within 300 feet of the RV Park, and provision of hearing and meeting information to park residents. No opposition was received.

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- Case No.:** BA12-005
- Location:** 540 South Drew Street
- Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the conversion of an existing warehouse to an office in the G1 zoning district. (PLN2011-00374)
- 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 Stradling to approve case BA12-005 with the following conditions:
1. *Compliance with the site plan submitted except as modified by the conditions below.*
 2. *Removal of all chain link fencing visible from Drew Street.*
 3. *A dust control adhesive shall be applied to the unpaved drive aisle from 6th Avenue to the rear parking field.*
 4. *Provision of a minimum twenty-foot (20') deep concrete or asphalt transition, measured from the back of the sidewalk, between the dust proof gravel drive aisle to the rear parking field and the 6th Avenue right-of-way.*
 5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Vote:** Passed 4-0-3 (Hitchens - abstained, Labadie and von Borstel – absent)

Findings:

- 1.1** The applicant was approved for a Substantial Conformance Improvement Permit (SCIP) to allow the intensification of an existing nonconforming site. The project consists of the conversion of approximately 5,500 square-feet of warehouse space into office use. The existing site condition includes a 10,533 square foot building, consisting of 2,828 square feet of office and 7,705 square feet of warehouse. The overall building remains the same, but the area devoted to office use will increase to 8,360 square feet and the area devoted to warehouse use will decrease to 2,173 square feet.
- 1.2** 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 existing buildings, elimination of on-site parking, and the disruption of vehicular circulation. Minor modifications to the site have been approved that improve the overall compliance with current development standards. These improvements include the provision of two parking lot landscape islands with one, 24-inch box tree and four 1-gallon shrubs each in the parking field adjacent to Drew Street, the provision of parking consistent with Code requirements, the provision of ADA accessible parking, the replacement of chain link fencing with wrought iron, and the construction of a 6-foot CMU wall to screen residential uses to the west.
- 1.3** The approved deviations include: 1) maintenance of zero-setbacks from the all property lines, 2) maintenance of reduced foundation base width at the front of the building, 3) minor reduction in

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the size of four parking spaces (8.5' wide vs. 9' wide), 4) a six-foot high fence in the front setback, 5) maintenance of unscreened roof-mounted equipment, and 6) with the exception of the proposed parking lot landscape islands, no on-site landscaping. Given the limited space to accommodate setbacks, the very industrial nature of the area, the prevailing pattern of zero-setback development, and neighborhood security concerns, such deviations were justified.

- 1.4** An additional deviation related to maintenance of chain link fencing along the north property line. Currently, chain link fencing exists on the entire length of the north property line not occupied by building. The first 20 feet west of Drew Street will be replaced with wrought iron fencing and the remainder will stay chain link. As specifically stated in the Zoning Ordinance, chain link may only be used when not visible from public view. As can be noted from the site photographs, this area is visible from public view. To address this concern, a condition of approval requiring the replacement of the chain link fencing in this area was recommended.
- 1.5** The deviations allow the continued use of nonconforming site project will result in improved compliance with parking, landscape, screening, and fence material standards. The site plan, including the 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.: BA12-006

Location: 1365 South Gilbert Road

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan in the OC zoning district. (PLN2011-382)

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 Hitchens, seconded by Board member Stradling to approve case BA12-006 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 and Sustainability Department with regard to the issuance of building permits.*

Vote: Passed 5-0-3 (Jones - abstained, von Borstel and Labadie - absent)

Findings:

- 1.1 The applicant was approved for a Special Use Permit (SUP) to establish a comprehensive sign plan (CSP) on a vacant office building site being redeveloped into for use by a daycare. The development consists of a two-story building with frontage on both Gilbert Rd. and Hampton Ave. The site is surrounded by an existing group commercial development located north and east of the subject property, which is not directly linked to this site via drive aisles, driveways, or any shared parking.
- 1.2 The site is zoned OC, current Code allows only two signs on the parcel not exceeding a combined area of one (1) square foot per each 5 lineal feet of street frontage based on each street frontage with a maximum area of 32 square feet per sign, and if detached no to exceed 8 feet in height. As a result, the site would be permitted four signs (combined attached and detached). To ensure adequate signage for the tenant, the comprehensive sign plan allows attached signs as would be allowed on commercial sites. Detached signs are consistent with current Code maximums.
- 1.3 Commercial sites having buildings occupying more than 100 feet are allowed a maximum of three attached signs not to exceed two square feet of total sign area for each front foot of building occupancy with a maximum of total attached signage at 160 square feet.
- 1.4 The existing office development would be permitted one detached sign adjacent to Gilbert Road. The applicant was approved for an 8 foot tall, 32 s.f. detached sign.
- 1.5 The plan indicated that two attached signs on the north and south elevations will be non-illuminated individual pan channel letters and logo at 59 s.f. each. The signs are compatible with

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the commercial development surrounding the site and provide a subtle and appropriate transition to the neighboring multi-family development to the south of the site.

- 1.6** The signage at the site complies with current Code requirements related to area and height and are consistent with signs found in commercial developments surrounding the site.
- 1.7** The Office Commercial Zoning on the property allows small-scale medical and professional offices, as well as day care centers. The existing use on the site is a day care which the property owner wanted to advertise more like a commercial use and was approved for commercial type signage on the property.
- 1.8** The CSP is largely consistent with current Code requirements, and the minor deviations related to the number of attached signs result in a plan that is complimentary to adjacent development and consistent with the use of the property. Therefore, the CSP, with the conditions, will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

C. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

G: Board of Adjustment/Minutes/2012/February2012