

# Board of Adjustment Minutes



## Board of Adjustment Meeting September 13, 2005

### Board members Present:

David Shuff, Chair  
Greg Lambright, Vice Chair  
Mike Clement  
Dina Higgins  
Randy Carter

### Board members Absent:

Roxanne Pierson (excused)  
Dianne von Borstel (excused)

### Staff Present:

John Wesley  
Gordon Sheffield  
Leslie Davis  
Jeffrey McVay

### Others Present:

Todd Neilson  
Chumita Hurd  
Marti Fry  
Others

The study session began at 4:45 p.m. The Public Hearing meeting began at 5:45 p.m. Before adjournment at 6:35 p.m., the following items were considered and recorded on Board of Adjustment Tape #332 and #333.

### Study Session 4:45 p.m.

- A. The study session began at 4:45 p.m. The items scheduled for the Board's Public Hearing were discussed. Mr. Sheffield explained that unless someone asks for removal, all items on the consent agenda will be acted upon.

### Public Hearing 5:45 p.m.

- A. Consider Minutes from the August 9, 2005 Meeting

It was moved by Boardmember Lambright and seconded by Boardmember Carter, that the minutes of the August 9, 2005 Board of Adjustment meeting be approved. **Vote:** Passed 5-0

- B. Consent Agenda

It was moved by Boardmember Lambright and seconded by Boardmember Clement to include case BA05-036 on the consent agenda with a 30-day continuance. **Vote:** Passed 5-0

It was moved by Boardmember Clement, seconded by Boardmember Carter to approve the Consent Agenda, with the conditions noted in the staff reports. **Vote:** Passed 5-0

**Board of Adjustment Meeting  
September 13, 2005**

**Case No.:** BA05-030

**Location:** 1550 N. 40<sup>th</sup> Street, Lot #8

**Subject:** Requesting variance to: 1) a detached garage to exceed maximum height permitted; and 2) the total of roof area to exceed the maximum lot coverage permitted in the R1-35 district.

**Decision:** **Continued to October 11, 2005**

**Summary:** Mr. Neilson discussed Site Plans A and B with the board. Mr. Neilson explained that screening of the proposed garage would be provided by citrus trees to be maintained on the property, new or transplanted trees on the property, and by trees on property to the south. Boardmembers Higgins and Carter expressed concern over the loss of citrus trees, which were a condition of approval for the original subdivision. Chairman Shuff explained that the requested variance does not meet the justification for a variance. Following a technical denial by the board, the board chose to continue the case until the October 11, 2005 meeting so that the full board may vote on the variance with a detailed landscape plan from the petitioner.

**Motion:** It was moved by Boardmember Lambright, and seconded by Boardmember Carter to approve the variance to construct detached garage as shown on Site Plan B with the condition that 10, 24 inch box trees are planted 20 feet on center to screen building.

**Vote:** Technically Failed 3-2 [Note: Four votes are needed to pass a motion approving a Board of Administration case. (Section 11-18-5 (c)(3)]

**Motion:** It was moved by Boardmember Clement, and seconded by Boardmember Lambright that this case be continued to the October 11, 2005 meeting, with applicant providing a detailed landscape plan.

**Vote:** Passed 5-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
September 13, 2005**

**Case No.:** BA05-032

**Location:** 1520 S. Sossaman Road

**Subject:** Requesting a Special Use Permit for a comprehensive sign plan in the M-1-PAD district.

**Decision:** **Continued to December 13, 2005**

**Summary:** This case was on the consent agenda, and was not discussed individually.

**Motion:** It was moved by Boardmember Clement, and seconded by Boardmember Carter that BA05-032 be continued for 90 days.

**Vote:** Passed 5-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
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**Case No.:** BA05-035

**Location:** 1766 and 1857 South Signal Butte Road

**Subject:** Requesting a Special Use Permit for a comprehensive sign plan for the Superstition Gateway shopping center in the C-2 district.

**Decision:** **Approved with conditions**

**Summary:** Ms. Hurd and Ms. Fry explained that the applicants agree with all staff conditions relating to the sign plan with the exception of the staff recommendation for 12" letter sizes for modifier signs on the Wal-mart and future major stores (recommendation 4 and 6 below). Following discussion with applicants and among boardmembers, Ms. Fry voiced willingness to accept staff recommendations for modifier signs with 12" letters.

**Motion:** It was moved by Boardmember Lambright and, seconded by Boardmember Clement that this case be approved with the following conditions.

- 1) *Compliance with the revised sign plan, entitled "Superstition Gateway", except as modified by the conditions below.*
- 2) *All entitlements or authorizations related to the 65' high freeway landmark monument sign shall be subject the conditions of approval for the Council Use Permit approved by the City Council, as found in case Z04-105. In no case is this Special Use Permit for a Comprehensive Sign Plan intended to authorize any additional detached signs with an effective sign height above 12'.*
- 3) *The number of attached signs for Wal-mart (Anchor A for Superstition Gateway West) shall be limited to ten (10), as specified on the table on page 15W of the Comprehensive Sign Plan, not counting modifier signs, as described below.*
- 4) *Attached modifier signs for Wal-mart, identified as sign numbers 5, 6, 7, 8, 9, 10, 11, 16, 17, 20, and 21 on the sign chart found on Exhibit 15W of the Comprehensive Sign Plan, are to be limited to the use of 12" high letters, and may be placed so as the top of the modifier sign shall be no higher than 12' above finished floor height.*
- 5) *The front elevation to the "Best Buy" store (Major "F"), and specifically the blue front entry design, shall be reviewed and considered by the Design Review Board as a separate item. The blue entry feature shall not be construed as a sign or as part of the considered comprehensive sign plan.*
- 6) *All store sites labeled as "Future Major" stores (including A, B, C, D, E, and F) on the Site Plan labeled "SPW" shall be limited to an aggregate attached sign area of 240 square feet, each respectively. Small modifier signs, with sign areas not counted toward the official aggregate attached sign area total for each of the major stores, may be placed so as the top of the modifier signs are no higher than 12' from finished floor height, and the vertical height of the letters used are no longer than 12".*
- 7) *Major "F" shall be permitted one sign on the north (rear) elevation of no more than 80 sqft.*
- 8) *Anchor "B", as identified on Site Plan "SPW", shall have no more than four (4) attached signs totaling no more than 320 sqft aggregate sign area with regard to attached signs on the front (south), west and east elevations. The rear (north) elevation facing Highway US 60*

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- shall have no more than one sign with a sign area of no more than 160 sqft.*
- 9) *All stores identified as "Minor tenants" (floor areas greater than 5,000 sqft and less than 20,000 sqft) shall have a maximum aggregate attached sign area of 180 sqft.*
  - 10) *Logos may, but are not required to be, larger than 25% of the permitted attached sign area for minor and major tenants.*
  - 11) *The number of attached signs for all identified "Minor" and "Major" tenants shall conform to Mesa Sign Ordinance requirements for attached signs on buildings within a C-2 zoning district, Sec 11-19-6(A) 1(a) and 1(b).*
  - 12) *Anchor "A" and Major "A", as depicted on Site Plan "SPE", shall be limited to 320-sqft aggregate sign area each for all signs attached to each building respectively. The number of attached signs shall be governed by Sign Ordinance Sec 11-19-6(A) 1(a) and 1(b). No one sign on the west elevation of either building shall exceed 240 sq ft, and no sign attached to the north, south or east elevations shall exceed 80 sq ft.*
  - 13) *Compliance with all requirements of the Building Safety Division regarding the issuance of a sign permit.*
  - 14) *Design Review Board staff will review the placement of modifier signs to ensure that signs are placed proportionally to the building space.*

**Vote:** Passed 5-0

**Finding of Fact:**

- 1.1 The applicant has proposed significant increases in the sizes of attached signs for both the east and west parcels. As such, the Board is required to make a finding that unique conditions, sign design or land use is present with this proposal.
- 1.2 As proposed, the sign plan does not show consistency between like-sized stores within the center. As recommended, this would be address by capping the major tenants at 240 sqft.
- 1.3 The proposed center is significant in its size, approximately 90 acres if both projects on both sides of Signal Butte Rd are counted.
- 1.4 Several of the store locations are located away from the Signal Butte Rd street front. Some increase in sign area is justified to allow for larger signs that ordinance maximums would otherwise permit for visibility purposes.
- 1.5 The Wal-mart is about 5 acres under roof. Anchor B will be about 2 acres under roof. Allowing somewhat more aggregate sign areas for these two stores permits larger signs that are more proportional in size to the building masses of the two stores.
- 1.6 Regarding the project on the east side of Signal Butte Rd, the two anchor tenants are setback a significant distance from the street. However, the sizes of these two buildings are relatively the same as the upper end of the "major" tenant scale used for the west side stores (50,000 sqft). Some additional signage may be warranted because these two buildings are visible from Baseline Rd as well as from Signal Butte Road. However, there should be some degree of equal value between minor tenants, between major tenants, and between anchor tenants.

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**Case No.:** BA05-036

**Location:** 9133 E. Baseline Road

**Subject:** Requesting a variance to allow the encroachment of parking spaces and a commercial building into the required side landscape setback, in conjunction with the development of a commercial pad site in the C-2 district.

**Decision:** **Continued to October 11, 2005**

**Summary:** This case was added to the consent agenda, and was not discussed individually.

**Motion:** It was moved by Boardmember Lambright, seconded by Boardmember Clement that this item be placed on the consent agenda for continuance to October 11, 2005.

**Vote:** Passed 5-0

**Motion:** It was moved by Boardmember Clement, and seconded by Boardmember Carter that BA05-036 be continued for 30 days.

**Vote:** Passed 5-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
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**Case No.:** BA05-037

**Location:** 1465 S. Clearview Avenue

**Subject:** Requesting variances to allow: 1) deletion of required landscaping adjacent to a freeway; 2) parking spaces to encroach into a required side yard; 3) a reduction in the depth of a foundation base for the public access side of a building adjacent to a parking space; 4) a reduction in the width of street side landscape areas; and 5) a reduction in the minimum ratio of landscape islands to parking spaces; all in conjunction with the development of an office/warehouse building in the M-1-DMP zoning district.

**Decision:** **Continued to October 11, 2005**

**Summary:** The applicant requested that this case be continued for 30 days.

**Motion:** It was moved by Boardmember Clement, seconded by Boardmember Higgins that this case be continued for 30 days.

**Vote:** Passed 5-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
September 13, 2005**

**Case No.:** BA05-038

**Location:** 1030 East Dolphin Avenue

**Subject:** Requesting a variance to allow a detached accessory building to encroach into the required side yard in the R1-6 district.

**Decision:** **Approved, as submitted**

**Summary:** This case was on the consent agenda, and was not discussed individually.

**Motion:** It was moved by Boardmember Clement, seconded by Boardmember Carter to approve case BA05-038, as submitted.

**Vote:** Passed 5-0

**Finding of Fact:**

- 1.1 This lot is over 200' in length – requiring the detached garage to be located in the rear one quarter of the lot would place an undue hardship on the owner.
- 1.2 The current location of the structure does not have a negative impact on neighboring properties.
- 1.3 This is a 2' encroachment into a required side yard, which is considered relatively minor.

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**Board of Adjustment Meeting  
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**Case No.:** BA05-039

**Location:** 905 N. Country Club Drive

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of an office building in the O-S district.

**Decision:** **Continued to the December 13, 2005 meeting**

**Summary:** This case was on the consent agenda, and was not discussed individually.

**Motion:** It was moved by Boardmember Clement, seconded by Boardmember Carter to continue the case for 90 days.

**Vote:** Passed 5-0

**Finding of Fact:** N/A

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Respectfully submitted,

Gordon Sheffield, AICP  
Acting Zoning Administrator

Minutes written by Jeffrey McVay, AICP, Planner I

G:Board of Adjustment/Minutes/2005/09 September