

# **Board of Adjustment**



## *Minutes*

City Council Chambers, Lower Level  
February 3, 2016

**Board Members Present:**

Mark Freeman, Chair  
Trent Montague, Vice Chair  
Wade Swanson  
Tony Siebers  
Ken Rembold  
Steve Curran  
Jessica Sarkissian

**Board Members Absent:**

(none)

**Staff Present:**

Gordon Sheffield  
Kaelee Wilson  
Mike Gildenstern  
Charlotte McDermott  
Rebecca Gorton

**Others Present:**

Richard Dyer  
Janet Coombs  
W. Dee Montegue  
Victoria Smith  
Reese Anderson  
Others

The study session began at 4:30 p.m. and concluded at 4:50 p.m. The Public Hearing began at 5:30 p.m. Before adjournment at 5:36 p.m., the following items were considered and recorded.

**Study Session began at 4:30 p.m.**

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

**Study Session adjourned at 4:50 p.m.**

**Public Hearing began at 5:30 p.m.**

- A. **Consider Minutes from the December 2, 2015 Meeting:** A motion was made by Boardmember Rembold and seconded by Boardmember Siebers to approve the minutes as written.  
Vote: Passed 7-0
  
- B. **Consent Agenda:** A motion to approve the consent agenda as read was made by Boardmember Sarkissian and seconded by Boardmember Swanson. Vote: Passed 7-0

**Public Hearing adjourned at 5:36 p.m.**

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**Case No.:** BA16-001

**Location:** 2600 East Southern Avenue

**Subject:** 2600 East Southern (District 2) – Requesting a Substantial Conformance Improvement Permit (SCIP) to allow: 1) reductions to landscaping requirements; and a Special Use Permit (SUP) to allow outdoor activities in the RS-43 zoning district. (PLN2015-00388)

**Decision:** Approved with Conditions

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

**Motion:** A motion to approve the consent agenda as read was made by Boardmember Sarkissian and seconded by Boardmember Swanson.

- 1. Compliance with the narrative and site plan submitted, except as may be modified by the conditions listed below;*
- 2. Review and approval of an Administrative Design Review application for the materials and colors used in the remodeling of the building.*
- 3. Review, approval of a building permit application, and compliance with all requirements and conditions related to the issuance of that building permit.*
- 4. Allowance of the Sunkist Grower's Cooperative attached sign in its existing condition, without increase in size or change to materials or illumination, and maintenance of this painted attached sign with due regard to its historic character and message. The sign shall not be considered as part of the allowed attached signage area and/or number for this project.*

**Vote:** Passed (6-0; Vice Chair Montague recused)

### **The Board's decision is based upon the following Findings of Fact:**

1. SCIP: The existing residential development consists of a house, and one outbuilding which was built on the north property line. The house meets the building setbacks of the OC district but the outbuilding does not. The SCIP would allow this outbuilding to remain. The building is of a scale that is appropriate to the existing semi-rural neighborhood and has is not a new condition.
2. SCIP & SUP: 48 parking spaces are required, as demonstrated by the parking calculations on the site plan. This includes parking for the outdoor area. 66 spaces are provided on site. In addition the applicant has established a private parking agreement with the property to the east, and has provided pedestrian access between the properties to allow for 55 spaces of overflow parking. This is not a code requirement.
3. SCIP: During the rezoning process staff was contacted by neighbors, and questions were raised that identified the need to retain an existing 10'-wide access drive that runs on the west property line of the subject property. The applicant redesigned the site plan to leave the access drive that has historically been used by neighbors for access to an irrigation stand pipe, and to

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deliver hay to adjacent horse properties. Staff supports this accommodation, treating it as an existing condition. This significantly reduced the landscaping area along the property line.

4. SCIP: There is a masonry wall, approximately six feet tall, that separates the access lane from the rest of the subject property. The wall does not run the full length of the access lane. The intent is to complete the wall, at a height of six to eight feet tall, for full screening along the west side. The Zoning Ordinance allows such walls, in commercial zoning districts, up to eight feet tall.
5. SCIP: A comparison of Code requirements, the applicant's proposal, and staff recommendations follows:

	<b>Code Requirement:</b>	<b>Applicant Proposes:</b>	<b>Staff Recommends:</b>
<u>Building/Landscape Setback</u> Southern Ave (south) West Property Line  North Property Line East Property Line	15' adj. to an arterial 25' adj. to residential  25' adj. to residential 15' adj. to commercial	0' to exist. screening wall  10' access lane plus 2' of landscaping 0' at the outbuilding 21' to house & 5' to parking	<b>Approval</b>
<u>Perimeter Landscaping Counts</u> Southern Avenue West Property Line North Property Line East Property Line	10 trees/58 shrubs 4 trees/20 shrubs 11 trees/54 shrubs 8 trees/52 shrubs	Existing to remain 4 trees/11 shrubs 11 trees/various shrubs 5 trees/0 shrubs	<b>Approval</b> Add shrubs to meet Code <b>Approval</b> Add shrubs to meet Code
<u>Parking Lot Landscape Islands</u>	12 islands	10 islands	<b>Approval</b>
<u>Parking Lot Pavement</u>	Solid Pavement	Decomposed Granite	<b>Decomposed Granite with containment measures to be approved by the Zoning Administrator.</b>

6. SCIP: Staff supports reductions in the required counts for trees and shrubs where existing conditions limit compliance. For example, the street front and west property lines have reduced width. The north property line is mostly within the yard to be used for receptions and is proposed to remain as is. Staff recommends addition of a green screen material, as proposed by the applicant along with additional shrubs on the west property line, and compliance with code on the east property line where there is not a limitation to compliance. Staff has added a condition of approval to this effect.
7. 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) the applicant does not propose creating any new non-conformities to code requirements.
8. SCIP: Full compliance with current Code requirements would result in the elimination of required parking spaces.
9. SUP: The most similar use, for which the Ordinance provides SUP requirements is 11-31-9: Commercial Uses in Any Residence Districts. The requirements include an appropriate site plan, an operational plan, and documentation that impacts on adjacent sites will be minimized.

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10. SUP: With regard to the compatibility of the wedding reception use with surrounding areas, the applicant is entering into a Development Agreement with the City to establish a "Plan of Operation" and "Good Neighbor Policy".
11. SUP: The Development Agreement identifies that the business will comply with all City of Mesa Noise Ordinance requirements, identifies hours of operation and provides for contact from neighbors who have complaints.
12. SCIP/SUP: 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 outdoor use, as defined in the narrative and the Development Agreement, will be compatible with, and not detrimental to, adjacent properties in the area.

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**Case No.:** BA16-002 APPROVED WITH CONDITIONS

**Location:** 450 West 4<sup>th</sup> Place (District 1)

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow: 1) a reduction in required landscaping; and 2) a reduction of required landscape buffer; and 3) a reduction of required parking spaces, all in the RM-4 and LC zoning districts. (PLN2015-00571)

**Decision:** Approved with Conditions

**Summary:** The applicant, Mr. Ismael Ernesto Nunez at 5264 East Hobart Street, presented the case to the Board.

Mr. Nunez stated that he is the pastor for the church. He explained that the congregation had been leasing a different building and are now purchasing the building at 450 West 4<sup>th</sup> Place to have services there. He stated that he agrees with the proposed conditions. Mr. Nunez stated the building would be used for Sunday services as well as Bible studies.

Boardmember Curran inquired what the size of the congregation is, and Mr. Nunez replied there is approximately 100 in the congregation.

Boardmember Swanson inquired how Mr. Nunez feels about the agreement of conditions. Mr. Nunez replied that he is in agreement to the conditions. He continued to state that the church has no plans to open up the building as a homeless shelter.

Chair Freeman read comments from two of the neighbors. The first was written by Victoria Smith, 431 N. Orange, who wrote that she would like the conditions presented by a neighbor placed on the use.

The second written comment from Janet Coombs, 530 N. Vineyard, stated a request to place restrictions that affect the appearance and safety of the neighborhood.

Deborah Mccliff, 524 N. Vineyard, spoke as a representative of the neighbors. Ms. Mccliff stated that she is not opposed to the use as a church, however she is requesting that the conditions suggested by D.J. Stapley be added to Staff's Conditions of Approval. The conditions proposed by Mr. Stapley include vehicle parking inside parking lot to prevent street parking and landscaping. Ms. Mccliff stated that Mr. Stapley was told by Mr. Nunez the church had plans to assist the homeless.

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Mr. Nunez responded to the statement and question by Boardmember Swanson if assisting the transient population will be a part of the plans of the congregation. Mr. Nunez responded that it is not a plan. Boardmember Rembold asked Mr. Nunez to describe the population of the congregation, and Mr. Nunez responded it is primarily Hispanic and ranges from 30 to 60 years of age.

Vice Chair Montague inquired about the parking needs. Staff member Michael Gildenstern stated that the church was over parked when the application was first reviewed. After further review, it was determined that they are over parked for a public assembly and there will be no need for street parking. Zoning Administrator Gordon Sheffield stated that the calculation for public assembly is calculated by the actual size of the assembly space, not the actual size of the building.

**Motion:** It was moved by Boardmember Sarkissian seconded by Boardmember Swanson to approve case BA16-002 with the following conditions:

1. *Compliance with the site plan, landscape plan and sign plan submitted, except as modified by the conditions below.*
2. *The storage container located along the northern property line in the parking lot shall be removed.*
3. *The dumpster located along the northern property line in the parking lot shall be properly located and screened in accordance with City of Mesa Engineering standards and requirements.*
4. *Trees and shrubs shall be planted to the specifications shown in the submitted landscape plan, with one modification: Mondel Pine (Pinus Eldarica) and Evergreen Elm (Ulmus Parvifolia) shall be substituted with an assortment of Salt River Project (SRP) Recommended Trees for planting near overhead power lines, from the following list: Cascalote (Caesalpinia cacalaco), Desert Willow (Chilopsis lineraris), Sweet Acacia (Acacia farnesiana), Texas Mountain-Laurel (Sophora secundiflora), Mexican Redbud (Cercis Mexicana) or Ocotillo (Fouquieria splendens).*
5. *The palm trees existing along Vineyard, 4<sup>th</sup> Place, and within the property, shall remain protected in place as well as the olive tree along 4<sup>th</sup> Place.*
6. *The existing fabric canopy above the playground on the northern property line shall remain in place and not be increased in size.*
7. *A building permit shall be obtained for the shade canopy over the play structure.*
8. *The parking field shall be resurfaced and the parking spaces will be restriped.*
9. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

**Vote:** Passed (7-0)

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### **The Board's decision is based upon the following Findings of Fact:**

1. This request for a SCIP would allow for a place of worship to occupy a former non-profit administrative building in the RM-4 zoning district.
2. The use of a place of worship is consistent with the "Neighborhood: Traditional" character area as identified in the Mesa 2040 General Plan.
3. The proposed site improvements meet the intent of the development standards listed in the Zoning Ordinance.
4. The improvements proposed by the applicant further the degree of compliance of the overall development.
5. Alterations or demolition of structures on the property would be required in order to meet development standards.
6. The proposed site improvements triggered by the intensification of a place of worship use will not be detrimental to the surrounding neighborhood.

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**Case No.:** BA16-003 APPROVED WITH CONDITIONS

**Location:** 1855 South Country Club Drive (District 3)

**Subject:** Requesting: 1) a Special Use Permit (SUP) to modify a Comprehensive Sign Plan; and 2) a Special Use Permit (SUP) to allow an Electronic Message Display to change more frequently than once per hour, all in the LI CUP zoning district. (PLN2015-00630)

**Decision:** Approved with Conditions

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

**Motion:** It was moved by Boardmember Sarkissian seconded by Boardmember Swanson to approve Case BA16-003 with the following conditions:

1. Compliance with the approved Comprehensive Sign Plan BA06-004, except as approved by this modification.
2. Compliance with the site plan and sign elevations submitted except as modified by the conditions below.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.
4. The existing monument sign must be removed prior to the issuance of the sign permit for the proposed detached monument signs for Building B.
5. *At the electronic display message sign, each message shall remain static for a minimum of fifteen (15) seconds.*
6. *The transitions between messages and the light intensity level of the electronic message display shall comply with the requirements of Section 11-19-8(D)17.*

**Vote:** Passed (7-0)

**The Board's decision is based upon the following Findings of Fact:**

1. The original CSP, BA006-004, was approved in 2006 and primarily addressed signs for the Major tenant, Walmart, including attached signs for this tenant.
2. In 2009, ZA09-009 was approved to modify the CSP to allow an additional 12' high detached monument sign adjacent to Baseline Road for Parcel D.
3. In 2014, BA14-014 approved additional height for an additional detached sign benefitting the development of a new McDonalds pad adjacent to Baseline Road.
4. The applicant proposed an increase in height to an existing detached sign, and installation of a new detached sign for Parcel C, both adjacent to Country Club Drive. The total amount of sign

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aggregate height for the Country Club Drive street frontage totals 42 feet, and is less than allowed by the Sign Ordinance (45' allowed).

5. The proposed sign area for the total of four detached signs adjacent to Country Club Drive is significantly less than allowed by the Sign Ordinance. A total of 440 square feet is the maximum allowed per code and a total of 294 square feet is proposed.
6. The existing CSP standards for detached signage adjacent to Baseline Road are not revised by this request and are significantly less than allowed by the Sign Ordinance. A total of 78' would be allowed by Sign Ordinance with a total of 43.5' approved through the CSP.
7. All proposed and existing detached signs exceed the minimum 50' required between the detached signs.
8. The existing CSP standards for attached signage on the Walmart Supercenter, Parcels B, C, D, E and Lease Lot Phase VI are not revised by this request.
9. The proposed electronic message display sign is 340' south of the northernmost proposed monument sign for the center. The speed limit at Stapley Road is 45 mph which is typical for the area. The design of the sign is consistent with the approved updated elevations for the center.
10. This Special Use Permit includes an allowance for a 15 second message display for the Electronic Message Display, a time frame that is consistent with past Board of Adjustment decisions.
11. The proposed modifications to the CSP will meet the intent of the originally approved CSP and are consistent with current Code requirements. The design of the signs are complimentary of this group COI development, and consistent with the use of the property. Therefore, the modified CSP, with the recommended conditions, is compatible with, and not detrimental to, adjacent properties or the neighborhood in general. No proposed detached sign exceeds 12 feet in height or 80 square feet in area.

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- Case No.:** BA16-004 Continuance to March 2, 2016 Hearing
- Location:** 5020 East Main Street (District 2)
- Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP); and a Special Use Permit (SUP) to allow: 1) a carwash; and 2) a Special Use Permit (SUP) to modify a Comprehensive Sign Plan; and 3) a Special Use Permit (SUP) to allow an Electronic Message Display to change more frequently than once per hour, all in the GC zoning district. (PLN2015-00638)
- Decision:** Continuance to the March 2, 2016 Meeting
- Summary:** This item was on the consent agenda and was not discussed on an individual basis.
- Motion:** It was moved by Boardmember Sarkissian seconded by Boardmember Swanson to continue case BA16-004
- Vote:** Passed (7-0)

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OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Gordon Sheffield', is written over the typed name.

Gordon Sheffield, AICP CNU-a  
Zoning Administrator