



**CITY OF
MESA**

Great People, Quality Service!

BOARD OF ADJUSTMENT MINUTES

May 13, 2003

Board members Present:

Jared Langkilde, Vice Chair
Roxanne Pierson
Skip Nelson
Greg Hitchens

Board members Absent:

Webb Crockett (Excused)
David Shuff, Chair (Excused)
Clark Richter (Excused)

Staff Present:

John Gendron
Gordon Sheffield
David Nicolella
Krissa Hargis
Jonathan Figueroa

Others Present:

Chumita Heard
Thomas Bolard
Jeff Kost
Nancy Warner
Rev. Emerito Gonzalez
Charles Hernandez
Others

Before adjournment at 6:15 p.m., the following items were considered and recorded on Board of Adjustment Tape # 291.

Study Session 4:30 p.m.

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

Public Hearing 5:30 p.m.

- A. Consider Minutes from the April, 2003 Meeting:

It was moved by Board member Hitchens, and seconded by Board member Pierson, that the minutes of the April 8, 2003 Board of Adjustment meeting be approved.

- B. Vote: Passed, 4-0
- C. Case BA03-016 was added to the consent agenda.

**Board of Adjustment Meeting
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Case No.: BA03-016

Location: 9101 E. Baseline Rd.

Subject: Requesting a Special Use Permit to allow a Comprehensive Sign Plan for a group commercial development in the C-2 district.

Decision: Approved with conditions.

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

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved with the following condition:

1. Compliance with the Comprehensive Sign Program for Weingarten/Monvis LLC Monte Vista Village Center Shops as submitted, except as modified by the conditions listed below;
2. Reduction of the aggregate attached sign area for the Safeway store/major tenant building to a maximum of 350 sq.ft or less, to be divided into a maximum of nine (9) signs;
3. A maximum of three (3) attached signs per pad tenant;
4. The City of Mesa shall not restrict the use of sign logos or require specified colors within the authorized sign area for either attached or detached sign. The design, materials and colors of the sign structure outside of the authorized signs area, as well as how the sign area is illuminated shall be maintained as described in the sign plan; and
5. The Light Emitting Diodes (LED) used to convey prices for Sign S-3 shall be monitored for brightness, with maximum brightness levels for daytime and nighttime use subject to review and approval of Planning Division staff.

Vote: Passed 4-0

Finding of Fact:

- 1.1 The City Council approved the rezoning of the case site, from R-4-PAD to C-2, in September of 2002. As part of the approval, a condition required the applicant to submit for a comprehensive sign plan. This application will satisfy the requirement.
- 1.2 The majority of the request complies with standard Sign Ordinance requirements, including the number and size of detached signs on both street fronts, and the size and number of attached signs for the shop tenants and minor anchor tenants.

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- 1.3 The applicant justifies the additional sign area and numbers by noting the size of the site, the size of the building and the distance of the building from the street are larger than found in a typical development. The size of the development site is about 15 acres, which is only slightly larger than a standard 10-acre commercial site, and significantly less than “power” commercial centers in which several anchor tenants occupy one site. The distance of the main anchor tenant, Safeway, varies between 200’ to 600’ depending upon the sight line chosen. However, even these distances are only slightly longer than a typical commercial site. The project does have pedestrian cross access connections with the residential development to the west and south of the center. Otherwise, the center has a conventional design (shops along the interior property lines and pad buildings along the street fronts) and is located on a site that lacks physical constraints.
- 1.4 Unique conditions are present to justify sign area and numbers that exceed Sign Ordinance maximums. The Board’s approval pares down the request to a total that is comparable with centers of similar size and tenant spaces comparable to the Safeway store. The approved total for Safeway is still greater than the maximum limits specified in the Sign Ordinance; about 216% of the ordinance maximum.
- 1.5 There is an existing gas price sign that makes use of Light Emitting Diodes (LEDs). The brightness of the LEDs is a concern because the lights may divert the attention of drivers. If the brightness is scaled back a small amount, the nuisance issue is not as obvious because the sign becomes less “unique”. Yet the price message is still conveyed to prospective customers.

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**Board of Adjustment Meeting
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- Case No.: BA03-018
- Location: 1253 N. Greenfield Rd.
- Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan for a group commercial development in the C-2 district.
- Decision: Approved with conditions.
- Summary: Mr. Jeff Kost, with Glenwood Development Company, addressed the Board stating that the anchor tenant, Mountview Fitness, has several locations through out the valley. The signage for this location is the same as the other locations and the owner would like to have the three modifier signs attached to the building. Planning staff member Gordon Sheffield commented that the site does not present any unique situation that would justify the extra sign area the applicant is proposing. In addition, there is area available on the monument signs to place the modifiers.
- Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved with the following condition:
1. Compliance with sign plan entitled "Mountain View Plaza Exterior Sign Identification Program", dated April 22, 2003; except as modified by the condition listed below; and
 2. Compliance with all requirements found in Section 11-19-6(E) of the Zoning Ordinance, including requirements for maximum aggregate sign height, maximum aggregate sign area, and maximum number of signs, for attached all detached signs.
 3. A maximum of three attached signs totaling 195 sq.ft for the anchor tenant. All other attached signs for the development shall comply with Section 11-19-6(E).
 4. A maximum of 32 sq. ft. of attached signage per office tenant.
- Vote: Passed 4-0
- Finding of Fact:
- 1.1 Mountain View Plaza is a group commercial development at the northeast corner of Brown and Greenfield roads. The development consists of both retail spaces and commercial office spaces. There will be one anchor tenant currently scheduled to be Mountainside Fitness.
 - 1.2 A comprehensive sign plan is required as a condition of approval by the City Council for case Z00-83.
 - 1.3 The proposed detached signs are designed to incorporate the architectural design, building materials and colors of the overall development.
 - 1.4 The aggregate sign height for detached signage along Greenfield Road is within the sign code maximum. The aggregate sign height for detached signs along Brown Road has been modified to comply with the sign code maximum.

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- 1.5 The anchor tenant building does have a wide building front, about 250 lineal feet. There are also two entries that are rather separate from one another. The Board's decision reflects the idea that one sign of sufficient size would identify the main entry, and a small logo sign would identify the secondary entry. Activities such as rock climbing, aerobics and basketball can be identified on the detached signs.

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**Board of Adjustment Meeting
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Case No.: BA03-020

Location: 1559 North Loma Vista

Subject: **Appeal of Case ZA03-016** - Requesting a Special Use Permit to allow a detached accessory living quarters in the R1-15 district.

Decision: Approved.

Summary: The applicant, Mrs. Nancy Warner, asked the Board to uphold the approval given by the Zoning Administrator for the accessory living quarter. The accessory living quarter would be for her mother and sister and the delay due to the appeal process is causing a hardship. Board member Hitchens asked Mrs. Warner why the accessory living quarters could not be attached to the primary dwelling. If it were attached then a public hearing would not be required. She replied that due the floor plan, an outside spiral staircase, and the shape of the lot, it would be extremely difficult to attach the accessory living quarters.
Mr. Cohen, the neighbor that requested the appeal, addressed the Board regarding his concerns. His main concerns were the losses of the mountain view because of the placement of the structure, the chance that the structure will become a rental unit, and the additional noise an accessory living quarter generates.

Motion: It was moved by Mr. Hitchens and seconded by Mrs. Pierson that this case be approved as submitted (affirming the Zoning Administrators decision).

Vote: Passed 4-0

Finding of Fact:

- 1.1 Because the accessory living quarter is not directly accessible from the primary dwelling unit a special use permit must be obtained.
- 1.2 The Zoning Administrator originally approved a special use permit for this site on March 4, 2003 (ZA03-016). The approval was appealed on April 3, 2003.
- 1.3 The accessory living quarter is located in the buildable area. Therefore it will not be detrimental to surrounding properties.
- 1.4 The accessory living quarter is architecturally similar with the primary dwelling and is served by the same utilities.
- 1.5 For the accessory living quarter to be directly accessible the floor plan configuration would require a complex attachment that creates circulation problems within the primary dwelling.

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- Case No.: BA03-021
- Location: 4701 East Virginia Street
- Subject: Requesting variances to: 1) use an alternative dust-proof surface for a parking area; 2) delete the required front screening wall for a storage area visible from the public right-of-way and; 3) delete the of side and rear yard landscaping, all in conjunction with the expansion of a plumbing business in the M-1 district.
- Decision: Approved with conditions.
- Summary: This case was on the consent agenda and was not discussed individually.
- Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved with the following condition:
1. The front landscaping will meet the requirement of chapter 15 section 11-15-2 (B) 1, and 11-15-3 (A) a-d.
 2. The retention area will be done according the engineering specifications.
 3. The variances are limited to three years, which begins with the day of approval.
- Vote: Passed 4-0
- Finding of Fact:
- 1.1 The case site is a vacant lot in the Falcon Industrial Park immediately adjacent to USA Plumbing. The owner of USA Plumbing also owns the case site. Both lots are zoned M-1.
 - 1.2 This busy industrial park area has parking along the street and high traffic volume during shift changes. This situation creates what the applicant believes to be a dangerous environment for his employees.
 - 1.3 The applicants' primary purpose for requesting variances on the vacant lot is to provide additional safety and security for the applicants' employees.
 - 1.4 The applicant has worked with staff to meet the landscaping and retention requirements in the front of the site and to create a pedestrian connection between the vacant lot and USA Plumbing.
 - 1.5 The applicant has agreed to a time limit of three years for the variance which will expire on May 13, 2006.
 - 1.6 The 3-foot masonry wall with 3-foot of wrought iron on top will match the existing wall in front of USA Plumbing and can remain to be part of the future development of the site.

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Case No.: BA03-022

Location: 527 West Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of a church in the C-3 district.

Decision: Continued to the June 10, 2003 meeting.

Summary: The applicant presented documentation from the adjacent Bashas Corporation and the adjacent Self-Storage facility stating that the church can use their parking to accommodate its' patrons. Based on this newly submitted information Mr. Sheffield recommended the Board approve the case with a condition that a new site plan with street side landscape improvements be submitted for review and approval by planning staff. Mr. Hitchens questioned whether the Board could approve the case because the request is for a Substantial Conformance Improvement Permit (SCIP). As proposed, the applicant is not proposing any improvements to the site. Mr. Sheffield then suggested the case be continued in order for the staff to work with the applicant to create some site improvements and allow the Board to review the revisions before giving a final decision.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be continued for 30 days:

Vote: Passed 4-0

Finding of Fact: N/A

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Respectfully submitted,

Gordon Sheffield, AICP
Senior Planner

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Minutes written by David J. Nicolella, Planner I