

Board of Adjustment



Minutes

City Council Chambers, Lower Level
February 9, 2010

Board Members Present:

Garrett McCray, Chair
Scott Thomas, Vice Chair
Nicholas Labadie
Greg Hitchens
Judah Nativio
Tyler Stradling

Staff Present:

Gordon Sheffield
Angelica Guevara
Mia Lozano-Helland
Lesley Davis

Board Members Absent:

Diane von Borstel - excused

Others Present:

Bob Smee

The study session began at 5:10 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 5:38 p.m., the following items were considered and recorded.

Study Session 5:10 p.m.

- A. The study session began at 5:10 p.m. The items scheduled for the Board's Public Hearing were discussed.

Zoning Administrator update –

1. Mr. Sheffield reviewed the revised minutes from the January 12, 2010 meeting and provided an explanation and clarification of the findings.
2. Mr. Sheffield led a brief discussion regarding the by laws and rules of procedure related to the Board. He asked the Board members to review the materials and provide any questions at the next meeting. Mr. Sheffield discussed the appeals process and the reconsideration of cases.
3. Mr. Sheffield provided an update on the timeline status of the draft update to the Zoning Ordinance.
4. Mr. Sheffield explained to the Board that communication towers are covered by state and local laws as well as federal laws. Communication tower cases have the ability to appeal the Board's decision straight to Federal Court. Mr. Sheffield asked the Board, when making a motion, to articulate the reason why the motion has been made. Chair McCray asked if there were federal guidelines that the Board should be aware of when hearing and making decisions about cases related to communication towers. Mr. Sheffield explained that staff uses the City of Mesa Commercial Communication Tower Guidelines to develop their recommendations. Chair McCray pointed out that he wanted to be sure that the Board is not in conflict with federal guidelines. Mr. Sheffield assured him that staff would provide guidance should this occur.

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Public Hearing 5:30 p.m.

- A. Consider Minutes from the January 12, 2010 Meeting A motion was made to approve the revised minutes by Boardmember Nativio and seconded by Boardmember Labadie. Vote: Passed 5-0 (von Borstel absent and Stradling abstaining)

- B. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Nativio and seconded by Boardmember Labadie. Vote: Passed 6-0 (von Borstel absent)

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- Case No.:** BA10-005
- Location:** 3155 East Main Street
- Subject:** Requesting a Development Incentive Permit to allow the construction of a vehicle storage lot in the C-3 zoning district. (PLN2010-00480)
- Decision:** Approved
- Summary:** This case was on the consent agenda and not discussed on an individual basis.
- Motion:** It was moved by Boardmember Nativio, seconded by Boardmember Labadie to approve case BA10-005 with the following conditions:
1. *Compliance with the site and landscape plans submitted, unless modified by the conditions below.*
 2. *Compliance with all requirements of the Design Review Administrative Approval.*
 3. *Compliance with all City development codes and regulations.*
 4. *Dedication of right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever occurs first.*
 5. *Provide a landscape island on the north side of the parking area inside the wall at the northeast corner of the project adjacent to the interior of the wall, including one tree.*
 6. *Provide a large landscape island at the north side of the center interior parking spaces identified on the Site Plan. This area should be large enough to accommodate 2 trees and 6 shrubs and screen the 2 northernmost parking spaces.*
 7. *Reduce the radius on the two corners on both sides of the drive aisle where it intersects with the northernmost parking stalls outside of the wall.*
 8. *Relocate the keypad for the entry gate so that it does not create a conflict for vehicles exiting the site.*
 9. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Vote:** Passed 6-0 (von Borstel absent)

Findings:

- 1.1** The use is consistent with the General Plan and is an allowed use in the C-3 zoning district. The site was designed to provide basic landscape and a six foot high screen wall around the perimeter of the development. The streetscape will be aesthetically enhanced with the addition of landscape material and a screen wall adjacent to Main Street. Development on this vacant site will have a positive impact on the community and will help serve a need in the area.
- 1.2** Consistent with the definition of "by-passed", the subject parcel is less than 2.5 acres in size and has been in the current configuration for more than 10 years, has direct access to existing utilities, and is surrounded by properties developed for at least fifteen years. A

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DIP is permitted for by-passed parcels that are unable to meet development standards.

- 1.3** Consistent with the requirements of a DIP, deviation to current development standards are necessary to accommodate development of this site with a viable use. The approved deviations will allow development of the site in a manner consistent with development on the west side of the site. The current setback requirements are large and provide a softening of the streetscape and to some degree screen adjacent development which is excessive when compared to the existing development on Main Street. The reduced setback leaves less space for landscape material and justifies the reduction in the landscape material quantities proportionate to the reduction in the width of the landscape yard width.
- 1.4** In 1999 the site was approved for a mobile home sales lot with storage that included an office building on Main Street. Due to the downturn in the economy the applicant revised the request for a storage only lot but hopes to be able to provide a building in the future. The applicant struggled to find an economically viable use on the site and has come up with a site plan that serves an immediate need while allowing flexibility for future redevelopment of the site.
- 1.5** The applicant provided elevations of the property wall. It is shown as masonry with a stucco finish and a fluted block cap. Staff will work with the applicant on the final design of the wall through the Administrative Design Review Process. *(See condition 2).*
- 1.6** To off-set some of the landscaping reductions of the DIP, staff requested some minor changes to the site plan. Staff requested that the applicant provide a landscape island at the northeast corner of the project on the inside of the wall where there is a portion of a parking stall shown on the site plan. *(See condition 5)* Staff also requested that a larger landscape island be added to the area at the north side of the center parking area to provide additional screening from Main Street for the vehicles parked on the site and to block visibility when either gate is open. *(See condition 6)* Staff also raised some concerns with the wide radius on the curb at the entrance and stipulated that the applicant tighten up that radius. *(See condition 7)*. The Board agreed these changes were appropriate and necessary.
- 1.7** The location of the gate keypad was a concern. The site plan indicated the keypad would be on the east side of the driveway from Main Street which is the exit side. The applicant does not want the customer to have to get out of the car to access the key pad, but there is concern that conflict is created with someone parking on the exit side of the driveway. The applicant agreed to provide an alternate method for locating the keypad up at the gate. *(See condition 8)*
- 1.8** The applicant provided sufficient justification for the requested DIP. The subject property is consistent with the definition of a bypassed parcel, the incentives were necessary to accommodate the development, the incentives will allow development commensurate with surrounding existing development, and the incentives will result in a development compatible with and not detrimental to, adjacent properties or neighborhoods.

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B. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

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