

Board of Adjustment Minutes



**City Council Chambers, Lower Level
March 21, 2006**

Board members Present:

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

Board members Absent:

Dianne von Borstel (excused)

Staff Present:

Gordon Sheffield
Jeff McVay
Lena Butterfield
John Wesley

Others Present:

Joseph Hatch
Brenda Hatch
David K Udall
Lance Richards
Craig Berge
Mike Donada
Pat Sweeter

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:00 p.m., the following items were considered and recorded on Board of Adjustment Tape #346.

Study Session 4:30 p.m.

- A. The study session began at 4:30 p.m. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:30 p.m.

- A. Consider Minutes from the February, 2006 Meeting A motion was made to approve the minutes by Boardmember Pierson and seconded by Boardmember Clement. Vote: Passed 6-0
- B. Consent Agenda A motion was made by Boardmember Clement to approve the consent agenda as read and seconded by Boardmember Lambright. Vote: Passed 6-0.

**Board of Adjustment Meeting
March 21, 2006**

Case No.: BA05-039

Location: 905 North Country Club Drive

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

Decision: Continued to April 11, 2006

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

Motion: It was moved by Mr. Clement, seconded by Mr. Lambright continue this request for 30 days.

Vote: Passed 6-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
March 21, 2006**

Case No.: BA05-049

Location: 2020 East Brown Road

Subject: Requesting a Special Use Permit to allow the modification of a Special Use Permit to allow a Commercial Communication Tower in the O-S zoning district.

Decision: Continued to April 11, 2006

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

Motion: It was moved by Mr. Clement, seconded by Mr. Lambright continue this request for 30 days.

Vote: Passed 6-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
March 21, 2006**

Case No.: BA06-10

Location: 3751 E Hopi Avenue

Subject: Requesting a variance to allow a proposed accessory living quarters to encroach into the rear yard in the R1-9 zoning district.

Decision: Withdrawn

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

Motion: It was moved by Mr. Clement, seconded by Mr. Lambright to accept the withdrawal of this case.

Vote: Passed 6-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
March 21, 2006**

Case No.: BA06-11

Location: 8147 E Casper Street

Subject: Requesting a variance to allow a proposed addition to encroach into the required rear yard in the R1-9 zoning district.

Decision: Approved with conditions

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

Motion: It was moved by Mr. Clement, seconded by Mr. Lambright approve this case with the following conditions:

1. Compliance with the site plan as submitted.
2. Compliance with all requirements of the Building Safety Division in the issuance of a building permit.
3. No additional encroachment of livable space into required setbacks shall be allowed.

Vote: Passed 6-0

Finding of Fact:

- 1.1 The subject parcel is adjacent to a 125-foot wide utility easement that was platted as part of the subdivision. The utility easement is a pre-existing special condition not created by the property owners.
- 1.2 Current Code has provisions that allow measurement of rear yard setbacks from the center-line of 16-foot or wider public alleys. Allowing the addition to encroach into a rear yard setback adjacent to such a utility easement is a similar situation.
- 1.3 A primary purpose for rear yard setbacks is to provide sufficient separation from adjacent uses and the possible negative impact those uses may have on adjacent properties. The utility easement essentially negates any negative impact the proposed addition may have had on adjacent properties to the rear.
- 1.4 The proposed addition would result in lot coverage of approximately 29 percent. The R1-9 Zoning District allows a maximum lot coverage of 40 percent.
- 1.5 The proposed addition would result in a relatively small encroachment into the setback of 5 feet

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**Board of Adjustment Meeting
March 21, 2006**

Case No.: BA06-12

Location: 215 S Power Road

Subject: Requesting a Special Use Permit to allow a hospital in the R-4-PAD zoning district.

Decision: Approved with conditions

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

Motion: It was moved by Mr. Clement, seconded by Mr. Lambright approve this case as submitted.

Vote: Passed 6-0

Finding of Fact:

- 1.1 The existing nursing home was developed in 1986. At that time a Special Use Permit (SUP) was not a requirement for nursing homes in the R-4 District. Current Code requires a SUP for nursing homes and hospitals in the R-4 District. Consequently, the subject site is a legal non-conforming use.
- 1.2 The primary use of the site will remain as a nursing home, however the range of services provided to residents includes several services related to those typically found in a hospital. For this reason, the applicants are requesting a SUP for a hospital instead of a nursing home.
- 1.3 A hospital/nursing home is a permitted use in the R-4 District with a SUP, medical services are consistent with the site's General Plan designation as Community Commercial, and continued use of an existing hospital/nursing home facility is compatible with the surrounding neighborhood and uses.

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**Board of Adjustment Meeting
March 21, 2006**

Case No.: BA06-14

Location: 4135 S Power Road

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan in the M-1-PAD-AF zoning district.

Decision: Approved with conditions

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

Motion: It was moved by Mr. Clement, seconded by Mr. Lambright approve this case with the following conditions:

- 1. Compliance with the sign plan submitted, except as modified by the conditions listed below.*
- 2. Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*
- 3. The "end cap" unit of Building 3 (located on the southeast corner of Power and Rembrandt Roads) shall be allowed a maximum of three attached signs with an aggregate sign area of one hundred and sixteen (116) square feet.*
- 4. The remaining units shall be allowed a maximum of two attached signs with an aggregate sign area of eighty (80) square feet.*

Vote: Passed 6-0

Finding of Fact:

- 1.1** The Zoning Code would allow an aggregate total of 19 feet in height and 193 square feet in sign area for detached signs along Power Road and an aggregate total of 51 feet in height and 508 square feet in sign area for detached signs along Rembrandt Avenue. No sign could exceed 12 feet in height or 80 square feet in sign area.
- 1.2** The proposed Comprehensive Sign Plan proposes an aggregate total of 24 feet in height and 160 square feet in sign area between two detached signs along Power Road and an aggregate total of 58 feet in height and 384 square feet in sign area between five signs along Rembrandt Avenue. All detached signs will have a coordinated design theme.
- 1.3** The Comprehensive Sign Plan proposes requirements for the number and size of attached signage, which is significantly less than could be allowed by current Code. This reduction balances the modest increase in aggregate detached sign height.

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**Board of Adjustment Meeting
March 21, 2006**

Case No.: BA06-15

Location: 460 E Auto Center Drive

Subject: Requesting a Special Use Permit for the modification of a Comprehensive Sign Plan in the M-1-PAD zoning district.

Decision: Approved with conditions

Summary: Mr. Mike Donada, applicant, explained that Berge Ford freeway visibility has decreased because of: 1) the widening of US 60; 2) the reconstruction of the Mesa Drive overpass; 3) and the planting of landscaping materials along the Mesa Drive east-bound off-ramp. He proposed that a sign with six-foot letters will provide needed visibility from US 60. In regards to Signs B and C, Mr. Donada noted that Berge Ford replaced these cabinet signs less than a year ago, and that it would be an unreasonable and unneeded expense to replace them with signs which comply to current Code design standards would require by the staff recommended conditions for approval.

Boardmember Clement verified with staff that the applicant is not requesting a Freeway Landmark Monument Sign (FLM). Mr. McVay, staff, explained that the request for additional attached sign area was justified by the need for increased freeway visibility. Should a FLM be allowed, the need to provide visibility through the use of attached signs would no longer be valid. Consequently, staff recommended a condition of approval that would require the removal of Signs F and G in the event a FLM sign is allowed proposed condition 4 reads: *Future approval of a Council Use Permit for a Freeway Landmark Monument Sign, as defined by the Freeway Landmark Monument Guidelines, shall require a modification of the Comprehensive Sign Plan to remove attached Signs F and G.* Mr. McVay further explained that the applicant is requesting a modification of an existing Comprehensive Sign Plan. Consistent with current Code design standards and previous Board of Adjustment actions, all existing and previously approved signage is reviewed for compliance with current Code requirements. In regards to the proposed letter size for Signs F and G, it was noted that the Fiesta Lincoln Mercury was allowed four-foot letter size on the elevation facing US 60 and the RV Superstore was allowed with six-foot "RV" letters and four-foot "Superstore" letters. Both of these uses are located west of Berge Ford, are setback further from US 60, and requested similar signage to provide freeway visibility.

Mr. Jim Crutcher, Berge Ford General Manager, explained that they need the six-foot letter size to remain competitive in the market. He described the signs as simple blue letters he believed that the signs would have minimal impact on adjacent properties attached to the East and West elevations of the building. He expressed concerns about having to replace the Signs B and C. Mr.

**Board of Adjustment Meeting
March 21, 2006**

Crutcher explained that Berge had invested a large sum of money to refurbish the Signs B and C, less than a year ago based on Ford Motor Co. requirements and felt that it is an unneeded and unfair expense to completely replace them. Further, he explained that Signs B and C are interior to the Berge complex and have no impact on adjacent properties. Boardmember Higgins clarified with staff that should the signs be moved to have a height from ground level of eight feet or less, they would not need to be replaced.

Boardmember Lambright explained that he feels Berge Ford has a prime location along US 60, that most people are able to find and identify the location of Berge Ford now, and the signs with five-foot letter sizes are adequate to provided freeway visibility. Additionally, he believed Signs B and C should comply with current Sign Code design standards.

Motion: It was moved by Mr. Lambright, seconded by Ms. Higgins to approve this case with the following conditions:

1. *Compliance with the Comprehensive Sign Plan as submitted, except as modified by the conditions listed below.*
2. *New Signs F (Berge Ford) and G (Berge Ford) shall have a maximum letter size of five (5) feet.*
3. *Attached Signs B (Coffee Shop) and C (Rent-A-Car) shall be replaced with signs that comply with Section 11-19-8 (E).*
4. *Future approval of a Council Use Permit for a Freeway Landmark Monument Sign, as defined by the Freeway Landmark Monument Guidelines, shall require a modification of the Comprehensive Sign Plan to remove attached Signs F and G.*
5. *Compliance with the requirements of the Building Safety Division in the issuance of sign permits.*

Vote: Passed 6-0

Finding of Fact:

- 1.1 The applicant has proposed attached signage significantly greater in area than would be allowed by the current Sign Ordinance. The two new attached "Berge Ford" signs would be located to provide visibility from the US 60 freeway and would be placed in lieu of a freeway landmark monument sign.
- 1.2 The two proposed attached "Berge Ford" signs (Signs F and G) would utilize 5- and 6-foot letter sizes, respectively. Consistent with similar uses to the west, a maximum letter size of 5 feet will provide adequate visibility from US 60.
- 1.3 A Comprehensive Sign Plan or subsequent modification includes review of all existing and previously approved signage. Based on this review, it was found that Signs B and C do not comply with current Sign Code design requirements. Consistent with previous staff recommendations and Board actions, Signs B and C should be replaced with signs that comply with current design requirements.

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**Board of Adjustment Meeting
March 21, 2006**

Case No.: BA06-17

Location: 6650 E Superstition Springs Boulevard

Subject: Requesting a Special Use Permit to allow for the modification of a commercial communication tower in the C-2-DMP zoning District.

Decision: Approved with conditions

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

Motion: It was moved by Mr. Clement, seconded by Mr. Lambright approve this case with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *The commercial communication tower shall have a maximum height of seventy (70) feet.*
3. *Any antennas shall be completely enclosed within a canister or flush-mounted to the tower.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Finding of Fact:

- 1.1 The existing 60-foot stealth lightpole Commercial Communication Tower (CCT) was developed with the antennas completely enclosed within a canister. The proposed changes will replace these antennas with a three sector antenna array.
- 1.2 The CCT is allowed as a special use in the C-2 Zoning District. This proposal generally complies with the Commercial Communication Towers Guidelines adopted by City Council, and would be compatible with the surrounding neighborhood.
- 1.3 The addition of the proposed three-sector array on a CCT approved with a stealth design would significantly increase the visual impact of the taller communication tower. A maximum 10-foot increase in height would allow more antennas to be mounted to the tower, which will improve service. While the use of canister or flush mounted style antennas will mitigate the visual impact.

**Board of Adjustment Meeting
March 21, 2006**

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Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Lena Butterfield, Planning Assistant

G:Board of Adjustment/Minutes/2006/03 March