



# **Board of Adjustment**

## **Minutes**

City Council Chambers, Lower Level  
January 13, 2009

**Board members Present:**

Mike Clement, Chair  
Linda Sullivan  
Garrett McCray  
Scott Thomas

**Board members Absent:**

Greg Hitchens (excused)  
Dianne von Borstel (excused)  
Judah Nativio (unexcused)

**Staff Present:**

Gordon Sheffield  
Tim Lillo  
Lesley Davis  
Mia Lozano-Helland  
Angelica Guevarra  
Wahid Alam  
John Wesley

**Others Present:**

Others

The study session began at 4:58 p.m. The Public Hearing meeting began at 5:32 p.m. Before adjournment at 5:38 p.m., the following items were considered and recorded. The recording is available upon request.

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

- A. The study session began at 4:58 p.m. The items scheduled for the Board's Public Hearing were discussed.
- B. Zoning Administrator update:
  - 1. Zoning Code update and brief discussion of proposed consolidation of advisory boards.

**Public Hearing 5:32 p.m.**

- A. Consider Minutes from the December 9, 2008 Meeting A motion was made to approve the minutes by Board member Thomas and seconded by Board member McCray. Vote: Passed 4-0
- B. Consent Agenda A motion to approve the consent agenda as read was made by Board member McCray and seconded by Board member Thomas. Vote: Passed 4-0

**Board of Adjustment Meeting  
January 13, 2009**

**Case No.:** BA09-001

**Location:** 1118 East Lockwood Street

**Subject:** Requesting a Special Use Permit (SUP) to allow livestock in excess of the maximum number permitted in the R1-43 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 Board member McCray, seconded by Board member Thomas to approve case BA09-001 with the following conditions.

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *Manure shall be removed at least twice weekly.*
3. *An insecticide for flies shall be applied on an as needed basis.*
4. *Commercial boarding of livestock is prohibited.*

**Vote:** Passed 4-0

**Findings:**

- 1.1 The requested SUP will permit six head of livestock on the subject 1.3 acre parcel, where the Mesa City Code would permit two head of livestock. Recent changes to the Zoning Code permit the keeping of livestock in excess of this subject to finding the use is consistent with Section 11-4-3 (D).
- 1.2 The applicant has noted: 1) they have kept four to six head of livestock on the property since they purchased it from the Page Land and Cattle Company in 1993.; 2) the stalls are cleaned and re-bedded at least twice weekly; 3) manure is used for fertilizing citrus and plants on owner's property; 4) drinking troughs are provided for animals in stalls and in pastured areas; 5) a letter from the Lehi Community Improvement Association has been provided in support of the requested SUP.
- 1.3 At the January 23, 2006 hearing, and by a 7-0 vote, the City Council adopted the Lehi Sub-Area Plan as a refinement and amendment to the Mesa 2025 General Plan. The Lehi Sub-Area Plan, prepared by City Planning Division Staff in association with the Lehi Sub-Area Plan Working group and Lehi Community Improvement Association, recommends a number of goals and policies to preserve the semi-rural/agricultural conditions found in this community. These recommendations include keeping of livestock.
- 1.4 Diane Brady, Supervisor from Mesa Police Animal Control stated that there have been no violations or complaints registered in regards to the keeping of livestock on this property.

\* \* \* \* \*

**Board of Adjustment Meeting  
January 13, 2009**

**Case No.:** BA09-002

**Location:** 916 East Sorenson Street

**Subject:** Requesting a Special Use Permit (SUP) to allow livestock in excess of the maximum number permitted in the R1-43 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 Board member McCray, seconded by Board member Thomas to approved case BA09-002 with the following conditions.

1. *Compliance with the site plan submitted, unless modified by the conditions below.*
2. *Stalls utilized for the keeping of livestock shall be cleaned and re-bedded every other day*
3. *The arena/riding area shall be sprayed with water for dust control before riding horses.*
4. *Commercial boarding of livestock is prohibited.*

**Vote:** Passed 4-0

**Findings:**

- 1.1 The requested SUP will permit keeping livestock at a ratio of 8 head/acre on the subject 2.5 acre parcel, where the standard ratio of the Mesa City Code would permit two (2) head per acre. The Zoning code permits the keeping of livestock in excess of this amount, subject to granting a Special Use Permit.
- 1.2 The applicant has noted: 1) Historically livestock has been kept on this property since the property was developed in 1976; 2) the stalls are cleaned and re-bedded every other day; 3) the manure is hauled out every week, it is used for fertilizing the farm ground and other farmers that request it; 4) Livestock are kept in stalls or pens on the owner's property and are not permitted to roam at large; 5) the arena/riding area is sand and is equipped with an automatic sprinkler system to control dust. Additionally, a letter from the Lehi Community Improvement Association has been provided in support of the requested SUP.
- 1.3 At the January 23, 2006 hearing, and by a 7-0 vote, the City Council adopted the Lehi Sub-Area Plan as a refinement and amendment to the Mesa 2025 General Plan. The Lehi Sub-Area Plan, prepared by City Planning Division Staff in association with the Lehi Sub-Area Plan Working group and Lehi Community Improvement Association, recommends a number of goals and policies to preserve the semi-rural/agricultural conditions found in this community. These recommendations include keeping of livestock.
- 1.4 Diane Brady, Supervisor from Mesa Police Animal Control stated that there have been no violations or complaints registered in regards to the keeping of livestock on this property.

\* \* \* \* \*

**Board of Adjustment Meeting  
January 13, 2009**

**Case No.:** BA09-003

**Location:** 8200 – 9100 blocks of East McKellips Road;  
2000 – 2300 blocks of North Hawes Road; and  
1600 – 2300 blocks of North Ellsworth Road

**Subject:** Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan for the Mountain Bridge Development Master Plan (DMP) in the R1-9-DMP-PAD, R1-15-DMP-PAD, and R1-35-DMP zoning districts.

**Decision:** Approved with conditions

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

**Motion:** It was moved by Board member McCray, seconded by Board member Thomas to approved case BA09-003 with the following conditions.

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *The subdivision signs shall be placed at least 10' from the public right of way.*
3. *Removal of non-conforming A-frame signs.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
5. *Issuance of a Use Permit, renewable on a bi-annual basis for each subdivision sign as per Section 11-19-7-E-1-b.*

**Vote:** Passed 4-0

**Findings:**

- 1.1 The requested Special Use Permit (SUP) will allow a Comprehensive Sign Plan (CSP) for the Mountain Bridge DMP, which consists of 717 acres with 1,210 approved residential dwelling units. The proposed CSP will address all temporary subdivision signage requirements for the entire DMP. The Mountain Bridge DMP was approved to have 28 parcels for future subdivision development, 6 of which have been recorded to date.
- 1.2 One subdivision sign pertaining to the sale of lots, tracts or home is permitted within each recorded subdivision per perimeter abutting street up to a maximum of three signs per subdivision. The applicant is proposing a total of 10 subdivisions signs where typically a minimum of 6 would be allowed to date based on the existing number of recorded subdivisions. When the number of parcels approved for future subdivision is included, a minimum of 28 would be allowed. The applicant is proposing to install 18 less signs than what would ultimately be allowed within the Mountain Bridge DMP. In exchange for the reduced number of signs, the applicant requests oversize signage.
- 1.3 Subdivision signs are allowed to be a maximum of 48 square feet in area and maximum of 10' in height. The applicant is proposing one, 96 s.f. sign, 9'-0" in height; and nine, 108 s.f. signs, 10'-0" in height for a total aggregate sign area of 1,068 s.f. Based on the minimum of one sign per future subdivision, the Mountain Bridge DMP will ultimately be allowed a minimum of 1,008 s.f. of aggregate sign area. Various subdivisions within Mountain Bridge DMP have frontage on more than one street; the proposed 96 s.f. sign panel and nine 108 s.f. sign panels are proportional to the size of the development and are not detrimental

**Board of Adjustment Meeting  
January 13, 2009**

to the surrounding properties.

- 1.4 As additional justification for the request the applicant will upgrade durable materials consisting of 3” square steel tube posts and aluminum panels. In addition, the applicant will design the sign posts and panels to be architecturally compatible with the other materials used throughout the Mountain Bridge DMP.
  
- 1.5 The Board agreed this temporary subdivision sign package maintained a proportion and scale consistent with the scale of the development. Therefore, the approved sign package, including the recommended conditions of approval is compatible with and not detrimental to the surrounding development.

\* \* \* \* \*

**Board of Adjustment Meeting  
January 13, 2009**

**Case No.:** BA09-004

**Location:** 4440 East Main Street

**Subject:** Requesting a 1.) Substantial Conformance Improvement Permit (SCIP); a Special Use Permit (SUP) to allow modification of a comprehensive sign plan; and 3) a Special Use Permit (SUP); all in conjunction with the development of an automobile service station in the C-2 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 Board member McCray, seconded by Board member Thomas to approve BA09-004 with the following conditions.

1. *Compliance with the site, landscape, and sign plans submitted except as modified by the conditions below.*
2. *Replacement of all dead and dying landscape plants.*
3. *Install at least one landscape island for maximum of eight (8) parking spaces within the westernmost parking row, unless evidence is provided that shows storm water drainage would be adversely affected by the landscape island.*
4. *Installation of decorative bollards, knee wall, or similar material approved by Planning Division staff within the kiosk foundation base.*
5. *Install screen walls or berming/landscaping along Main Street per 11-15-4(B)10.*
6. *Retention Basins shall be designed per 11-15-3(D)1-9.*
7. *Provide plant materials per 11-15-3(A) and 11-15-4(B).*
8. *Attached signs shall not be placed on the kiosk.*
9. *Monument sign shall not exceed twelve-feet (12') in height and eighty square feet (80 square feet) in area.*
10. *Monument sign shall be reviewed by Design Review Board prior to the issuance of building permits.*
11. *Pump toppers and point-of-sale signs shall not be permitted within the development.*
12. *Compliance with all conditions of the Design Review Board.*
13. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 4-0

**Findings:**

**1.1** The approved development consists of a fueling station that will be an extension of the existing Fry's grocery store. The applicant has proposed a total of seven fuel dispensers, two underground storage tanks, a 5,418 square foot canopy, and a 112 square foot cashier kiosk. The facility will be operated and managed by personnel from the Fry's grocery store.

**1.2** The concerns raised during staff reviews are addressed with conditions of approval

**Board of Adjustment Meeting  
January 13, 2009**

- 1.3** The uses adjacent to the proposed development consist of additional retail uses, which are compatible with the proposed service station. The service station is also compatible with the General Plan, as the designation of Mixed Use Residential support retail uses, which includes the proposed development.
- 1.4** Given the complimentary adjacent land uses and site design, the approved automobile service station will be compatible with, and not detrimental to, surrounding properties.
- 1.5** The approved automobile service facility is located on a pad site within a larger commercial development. The existing overall development was approved by City council in 1978 and does not comply with the current Code requirements in regards to landscape and building setbacks, parking lot landscape islands, and foundation base. The fueling station development will comply with current code requirements.
- 1.6** The existing overall development could not be brought into compliance with current Code without creating additional nonconformities related to parking and site circulation, or without the demolition of existing buildings. As a result, the development does qualify for a Substantial Conformance Improvement Permit.
- 1.7** As the new site plan does comply with current Code, substantial conformance with current Code has been achieved. In addition, all dead and dying landscape will be replaced in an effort to bring the rest of the site closer to compliance with current Code requirements.
- 1.8** The approval includes modification of an existing comprehensive sign plan for the commercial development, which was necessary to allow the anchor tenant to have attached signage that exceeds current Code requirements (BA95-39). The service facility proposes to modify the comprehensive sign plan to allow signs in excess of the allowances specified in the plan.
- 1.9** No additional monument signs are proposed, only the replacement of two monument signs (one on Main Street and one on Greenfield Road).
- 1.10** To insure that the sign is compatible with both the proposed and existing architecture, a recommended condition has been included to require review of the sign by Planning staff prior to the issuance of building permits.
- 1.11** The proposed modifications to the comprehensive sign plan in conjunction with the recommended conditions insure that signs are compatible with, and not detrimental to, surrounding properties.

\* \* \* \* \*

**Board of Adjustment Meeting  
January 13, 2009**

**Case No.:** BA09-005

**Location:** 1422 West Bass Pro Drive

**Subject:** Requesting a Special Use Permit (SUP) to allow development of a comprehensive sign plan in the PEP-BIZ-PAD zoning district.

**Decision:** 30-day continuance to February 10, 2009

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

**Motion:** It was moved by Board member McCray, seconded by Board member Thomas to continue BA09-005 to February 10, 2009.

**Vote:** Passed 4-0

Respectfully submitted,

Angelica Guevara  
Senior Planner  
Secretary, Board of Adjustment

Minutes written by Mia Lozano-Helland, Planner I  
G:\Board of Adjustment\Minutes\2009\13 January\