

Board of Adjustment



Minutes

City Council Chambers, Upper Level, March 2, 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
Lisa Davis
Kaelee Wilson
Mike Gildenstern
Charlotte McDermott
Rebecca Gorton

Others Present:

Richard Dyer
Reese Anderson
William Frost
Kurt Leitinger
Mark Noble
Alan Blau
Others

The study session began at 4:30 p.m. and concluded at 5:17 p.m. The Public Hearing began at 5:30 p.m. Before adjournment at 6:28 p.m., the following items were considered and recorded.

Study Session began at 4:30 p.m.

A. Zoning Administrator's Report

Gordon Sheffield, Zoning Administrator, distributed an article from the *Zoning Practice* to the Board that pertains to updating sign regulations which came from the recent *Reed vs. Gilbert* decision. The article provides background and suggestions on how to classify specific signs. Mr. Sheffield anticipates presenting a draft sign ordinance for the Board to review at the next study session. A final ordinance change will be subject to Council approval. He feels that between 80-85% of the country will need to update their sign ordinance in the coming years as a result of this case.

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

Study Session adjourned at 5:17 p.m.

Public Hearing began at 5:30 p.m.

- A. Consider Minutes from the February 3, 2016 Meeting:** A motion was made by Boardmember Sarkissian and seconded by Boardmember Siebers to approve the minutes as written.
Vote: Passed 7-0

Minutes of the Board of Adjustment March 2, 2016 Meeting

- B. Consent Agenda: A motion to approve the consent agenda as read was made by Boardmember Sarkissian and seconded by Boardmember Rembold. Vote: Passed 7-0

Public Hearing adjourned at 5:36 p.m.

- Case No.:** BA16-004 APPROVED WITH CONDITIONS
- 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) Continued from the February 3, 2016 Hearing
- 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 Rembold 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 finishing canopy shown on the plan as extending across the access/exit drive shall be removed and not replaced in the same location.
 3. Any alternative locations for the finishing canopy shall be reviewed and approved by the Planning Director.
 4. The electronic message display sign shall not change more than once every fifteen seconds.
 5. The electronic message sign shall comply with all illumination intensity levels listed in Section 11-41-8-D-18c.
 6. All attached and detached signage for the carwash shall comply with all requirements of Sections 11-41-6 and 11-41-8 of the Mesa Zoning Ordinance.
 7. Seven trees and forty two shrubs shall be planted along Main Street.
 8. Compliance with all requirements of the Development Services Division with regards to the issuance of building permits.
 9. All exterior modifications shall be reviewed and approved by the Planning Director through an Administrative Review.
- Vote:** Passed (7-0)

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

FINDINGS FOR SCIP

- 1.1 This request for a SCIP would allow for the redevelopment of a carwash.
- 1.2 The proposed vacuum stalls invoke current development standards.
- 1.3 The site is located in the Neighborhood Suburban character area with a Transit Corridor as defined in the 2040 Mesa General Plan. This request is consistent with the General Plan policies.

- 1.4 The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- 1.5 Requiring full compliance with the current code would require demolition of existing buildings.
- 1.6 The deviations requested are consistent with the degree of change requested and will improve the site.
- 1.7 The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.

FINDINGS SUP FOR CARWASH

- 2.1 The carwash has been in existence since 1985 without a SUP.
- 2.2 The carwash has not been detrimental to the surrounding neighborhood and will not become detrimental with the modifications.
- 2.3 The vacuum motor will be housed in an enclosed CMU building to negate any potential impacts to surrounding neighbors.
- 2.4 The site is coming further into compliance with code through the site improvements conditions through the SCIP process.

FINDINGS FOR SUP FOR CSP

- 3.1 The requested Comprehensive Sign Plan (CSP) would allow the property to utilize standard Sign Code allowances for detached and attached signage.
- 3.2 The requested CSP would allow the applicant to replace a non-conforming 20 foot tall sign with one that complies with code.
- 3.3 The applicant is proposing a 12 foot tall detached sign that is 73.68 square feet.
- 3.4 The applicant is proposing 3 attached signs that total 159.71 square feet.
- 3.5 The proposed modifications are compatible with the group commercial center and will not be detrimental to the surrounding neighborhood.

FINDINGS FOR SUP FOR ELECTRONIC MESSAGE DISPLAY FREQUENCY

- 4.1 The speed limit is 45 mph for this portion of Main Street.
- 4.2 There is minimal sign clutter in this area so the electronic message changing every 15 seconds won't be detrimental or cause a distraction.
- 4.3 The design of the proposed sign is compatible with the other monument signs within the group commercial center.

Case No.: BA16-005 APPROVED WITH CONDITIONS

Location: 7335 and 7403 East Broadway Road (District S)

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow: 1) a reduction in required landscaping; and 2) a reduction of required landscape buffer, both in the RS-7 and RS-6 zoning districts. (PLN2015-00561)

Decision: Approved with revised Conditions as discussed in the Study Session

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 Rembold with the following conditions:

1. Compliance with the site plan submitted, except as modified by the conditions below;
2. Compliance with all conditions of approval for BA11-004, except as modified by this request;
3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
4. A minimum landscape setback shall be provided no less than 13'-5" at the south property line adjacent to 450 S. 74th place.
5. A minimum 11' landscape setback shall be provided adjacent to 74th Place.
6. Screening for parking shall be provided as indicated on the site plan.
7. The double row landscape island shall have an average width of 8'.
8. The painted pedestrian walkway within the parking lot shall be a minimum of 5' in width.

Vote: Passed (7-0)

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

1. The Church site was originally developed in the early 1980's.
2. The entire site will be brought into substantial conformance with the Zoning Ordinance. Full compliance with development standards would require demolition of a significant amount of the existing site improvements.
3. With the approved deviations, the improvements to the site will include installation of a permanent parking area with appropriate screening and landscaping and installation of a new driveway at 74th Place consistent with Transportation Department requirements.
4. A variance (Case ZA93-068) was approved in 1993 to: 1) allow decreased widths of landscaped areas adjacent to interior and street side property lines; 2) delete required screen walls adjacent to a parking lot; and 3) allow decreased number and sizes of required plants.
5. Two SCIP cases were approved, one in 2009, ZA09-012 and a second in 2011, BA11-004 to allow for reductions in landscape setbacks and development standards.
6. The current applicant is consistent with the overall master plan that has been presented with the both previously approved SCIP cases, ZA09-012 and BA11-004.

7. The applicant is revising driveway placement in line with Crescent Circle as required by the Transportation Department.
8. The proposed development will be in substantial conformance with current code.
9. Full compliance with current Code development standards would require significant demolition of existing improvements.
10. The deviations requested are consistent with the degree of change requested and improve the site.
11. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
12. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Case No.: BA16-006 APPROVED WITH CONDITIONS

Location: 2920 East Baseline Road (District 2)

Subject: Requesting a Special Use Permit (SUP) to allow a wireless communications facility to exceed the maximum height allowed in the LC zoning district. (PLN2015-00569)

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 Rembold with the following conditions:

1. Compliance with the site plan and elevations dated February 9, 2016, except as modified by the following conditions.
2. *The wireless communication facility shall utilize a monopalm design with a maximum height of sixty-feet (60') to the top of the palm canopy and 55' Fifty five feet to the top of the antenna array.*
3. *The wireless communication facility shall utilize a Faux Date Palm design with a minimum of 65 palm fronds with size distribution as indicated on sheet Z-2. Palm fronds shall be a minimum of 11-feet in length.*
4. The operator of the WCF shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.
5. *The antenna array stand-off shall not exceed 3' maximum from the pole.*
6. *The antenna array for each sector shall not exceed an overall width of 9'.*
7. *The antennas shall not exceed 19" wide x 8' tall x 10" deep.*
8. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
9. *Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.*
10. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.i.*
11. *No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
12. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.

Vote: Passed (7-0)

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

1. The proposed location is a commercially zoned site within and an existing mini-storage warehouse facility. Much of the base of the WCF will be screened by the existing walls of the mini-storage warehouse development.
2. The proposed WCF is a capacity and coverage site.
3. The proposed WCF and equipment enclosure will not be visible from Baseline Rd.
4. No additional landscaping is being proposed around the base of the specific WCF enclosure. However, none is needed because of the nature of the internal design of the warehouse facility. There are required landscape plants just outside of the warehouse facility, adjacent to Baseline road, which are in need of replacement.

- Case No.:** BA16-007 APPROVED WITH CONDITIONS
- Location:** 2010 East Brown Road (District 1)
- Subject:** Requesting 1) a Substantial Conformance Improvement Permit (SCIP) related to reductions to minimum setbacks and landscaping requirements; and 2) Special Use Permit (SUP) for a reduction in parking; both related to reuse of an existing automobile repair facility as restaurant with a drive-through window and outdoor seating. (PLN2016-00046)
- 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 Rembold with the following conditions:
1. Compliance with the site plan and elevations submitted, except as modified by the conditions below.
 2. Compliance with all requirements of Administrative Design Review.
 3. The new refuse enclosure shall be wrapped with ledgestone that is similar to the building.
 4. Three bicycle parking spaces shall be added to the site.
 5. Compliance with all requirements of Development Services in the issuance of building permits.
- Vote:** Passed (7-0)

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

1. This request will allow for the redevelopment of an automotive repair business into a soda shop. The soda shop would have a drive-thru and outdoor seating.
2. The existing development encroaches into the required setbacks on all four sides of the property. The applicant is proposing to maintain the existing landscape setbacks. To come into further compliance with code, the applicant is adding additional landscaping within the parking lot, as well as adjacent to the outdoor seating area and with the addition of potted plants placed at the front of the building.
3. The site cannot come into substantial conformance with code without significant modification to the site and building.
4. The improvements will be compatible and not detrimental to the surrounding neighborhood.

- Case No.:** BA16-008 APPROVED WITH CONDITIONS
- Location:** 456 North Robson (District 1)
- Subject:** Requesting a Variance to allow a fence to exceed the maximum height permitted in the front yard in the RM-3 zoning district. (PLN2016-00044)
- 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 Rembold with the following conditions:
1. *Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
 2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
 3. *The existing brick wall shall remain in place and shall not be modified or increased in height.*
- Vote:** Passed (7-0)

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

- 1.1 There are special circumstances with the historical nature of the home that apply to this request that are pre-existing and not self-imposed.
- 1.2 Requiring compliance with the ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and the same zoning district.
- 1.3 This variance request does not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.
- 1.4 The proposal strikes a balance between historic preservation and the current needs of the owners.

- Case No.:** BA16-009 APPROVED WITH CONDITIONS
- Location:** 5001 East Main Street (District 2)
- Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow: 1) a reduction in the minimum number of required parking spaces; and 2) a reduction in landscaping requirements associated with a recreational vehicle (RV) subdivision in the RM-2 PAD zoning district. (PLN2016-00043)
- 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 Rembold with the following conditions:
1. Compliance with the site plan submitted, except as modified by the conditions below;
 2. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
 3. **Approved deviations shall be consistent with the Table 1 on page 2 of this report as indicated in the staff recommendation column.**
 4. **Parking spaces adjacent to the driveway access adjacent to Higley Road shall be removed to accommodate traffic flow without potential conflict. Review and approval by the Planning Director shall be required prior to the issuance of a building permit.**
 5. **A minimum of 50% of the aggregate minimum required number of shrubs shall be incorporated into the landscape design within the right of way adjacent to the project, consistent with Table 2 on page 3 of this report as indicated in the staff recommendation column.**
 6. **Review and approval of the landscape plan by Planning Division staff will be required prior to the issuance of any building permit at the site.**
- Vote:** Passed (7-0)

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

1. The RV subdivision was originally developed in the late 1960's.
2. The entire site will be brought into substantial conformance with the Zoning Ordinance. Full compliance with development standards would require demolition of a significant amount of the existing site improvements.
3. The installation of landscape material will enhance the streetscape along Main Street and Higley Road as well as within the parking lot. Improvements include installation of the permanent parking surface.
4. RV storage will no longer occur at the site. All existing RV storage will be removed.
5. The zero setback adjacent to Main Street is an existing condition. The proposed parking canopies adjacent to Main Street are proposed at 7', one foot above the allowed 6' masonry screening wall.

6. SRP power lines adjacent to Main Street limit the tree type and height.
7. The applicant has proposed improvements with staff recommendation of conditions to the existing site are proportionate to the percentage deviations requested.
8. The requested deviations are necessary to accommodate the expansion of the site.
9. The proposed project presents reasonable improvements to a non-conforming site. Consequently, the proposed site plan with the staff recommended conditions of approval represents compliance with the intent of the development standards of the Zoning Ordinance. The proposed use is compatible with and not detrimental to surrounding properties.

Case No.: BA16-010 APPROVED WITH CONDITIONS

Location: 2045 South Vineyard (District 3)

Subject: Requesting 1) a Special Use Permit (SUP) to allow a medical clinic in the LI-PAD zoning district; and 2) a minor modification of parking standards authorized by PAD overlay district. (PLN2016-00048)

Decision: Approved with Conditions

Summary: The applicant, Adam Baugh, Withey Morris, 2525 East Arizona Biltmore Circle, Phoenix, AZ, presented the case to the Board.

Mr. Baugh stated that when the property was zoned in the mid-2000 a restriction was placed to limit the amount of medical businesses due to the concern for adequate parking. The desire of the new owner is to add more medical offices to the complex which has prompted a parking study which proved that the center is over parked. Along with the close proximity to public transportation, the site would allow the owner to include the addition of more medical offices.

Mr. Baugh stated this request includes leasing a space to a midwife clinic for training, education and life birthing. He continued to explain that it is similar to a medical office but due to the addition of life birthing at the clinic, a Special Use Permit (SUP) is required.

Kurt Leitinger, 1102 E. Cullumber Street, Gilbert, explained that he recently purchased an 8,200 sq. ft. office space next to the proposed mid-wife clinic. Mr. Leitinger stated his concern that modifying the parking standards would be too restrictive and feels there is ample parking spaces at the other buildings. Mr. Leitinger questioned if the owner was aware that his clients are having to park further away from his office space.

Mr. Baugh replied to Mr. Leitinger's concerns by stating that 282 parking spaces are required and there are 351 striped spaces provided. The medical office will have 2 midwives and at most there would be 2-6 cars at the clinic at a time. The parking impact is less than that of other medical offices. Chair asked if there had been any conversations with the other property owner and Mr. Baugh responded that he would do so after the meeting.

Staff member Kaelee Wilson was asked to clarify the parking ratio. Ms. Wilson stated that the parking ratio was parked as a shell when the site was built and not for medical offices which is why there was a surplus of parking spaces. Ms. Wilson continued to clarify that if it had been parked as medical offices, parking would have been deficient. If it were parked for medical offices, the current spaces of 353, along with the bus and rapid transit, the site would be under parked by 34 spaces. Consequently, for the entire site to be parked as medical offices, the requirement would be for 387 parking spaces.

Boardmember Sarkissian clarified that the modification of parking requirement is for the entire site. Ms. Wilson confirmed that it is for the entire site the modification would allow for medical offices in and allow for medical offices throughout the site.

Gordon Sheffield, Zoning Administrator clarified that the Zoning Ordinance was updated to allow shared parking which allows a reduction in required parking. Because of this philosophy, and the proximity to transit stations, staff supports the reduction of parking for this site.

Motion: It was moved by Boardmember Swanson and seconded by Boardmember Siebers to approve case BA16-010 with the following conditions:

1. *Compliance with all documents submitted, except as modified by these conditions.*
2. *Compliance with all requirements of Development Services in the issuance of permits.*
3. *A minimum of two (2) parking spaces directly adjacent to the midwife suite shall be designated for the use of the business.*
4. *The Special Use Permit is issued specifically to Willow Midwife Center for Birth and Wellness, and is nontransferable. The Special Use Permit shall automatically terminate if Willow Midwife Center for Birth and Wellness no longer operates the midwife birthing center on the property. Any new midwife birthing center, or any other type of medical clinic, shall require the approval of a new Special Use Permit.*

Vote: Passed (7-0)

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

FINDINGS SUP:

- 1.1 The proposed Special Use Permit is to allow for a medical clinic to locate within an office development that is zoned LI-PAD.
- 1.2 The proposed medical clinic is a midwifery practice that will offer prenatal exams, nutritional counseling and the occasional on-site birth.
- 1.3 The proposed medical clinic will not be injurious or detrimental to the surrounding neighborhood.
- 1.4 The medical clinic use is in conformance with all adopted plans and the General Plan designation of Employment. The use furthers the intent of the Employment District by adding healthcare related jobs.
- 1.5. There are adequate public services, public facilities and public infrastructure to serve the proposed project, as it is locating within an existing office complex.

FINDINGS PAD MODIFICATIONS:

- 2.1 The proposed PAD modification would allow for the entire office complex to be parked at a medical office ratio.
- 2.2 The office complex is within half a mile of Valley Metro LINK bus stop allowing for a parking reduction.

- 2.3 The parking reduction for the complex would not be detrimental to the surrounding area and meets the original intent of Ordinance #4547.
- 2.4 The proposed parking ratio would allow for flexibility when leasing office suites.
- 2.5 The original condition would be nearly impossible to enforce as the building are numbered differently on the site plan and the recorded plat.

Case No.: BA16-011 APPROVED WITH CONDITIONS

Location: 723 East 2nd Avenue (District 4)

Subject: Requesting a Special Use Permit (SUP) to allow group housing in the RM-4 zoning district. (PLN2016-00112)

Decision: Approved with Conditions

Summary: The applicant, Reese Anderson at 1744 S. Val Vista, #217, presented the case to the Board. Mr. Anderson stated that the applicant is in agreement with all stipulations presented by staff.

Mr. Anderson presented an overview of the current condition of the vacant building. Mr. Anderson stated that the building once was the Greenfield Assisted Living Facility. He continued to describe that the proposed use would be for a federal government program called the *Unaccompanied Minors Program*, which is administered through the Department of Homeland Security and Office of Refugee and Settlement. The program provides housing, education and medical attention for illegal minors here in the country for an average of 2 to 6 weeks until they can be reunited with family or to deport minors.

The facility will employ over 200 people with 3 shifts and there is sufficient parking on site. The proposal is to raise the existing wall to 6' which will provide security for the facility. Alarms will be installed on all doors and windows.

Boardmember Curran inquired as to the amount of youth that will be at the facility. Dr. Soloman, Director of the facility responded that they have been approved for 280 youth, ages 6-17 and can house up to 320 at this facility.

Boardmember Siebers inquired if Southwest Key were to leave, would another group be allowed to come in and use the facility for the same use. Mr. Anderson responded that this question was discussed with the surrounding neighbors and the City has the authority to tie the Special Use Permit to the Southwest Key organization and not another organization.

William Frost, 740 E. 2nd Avenue stated that he and some of the neighbors had the opportunity to speak with the Cornerstone group and appreciated the response to their concerns. Mr. Frost compared the project to the one on Country Club and Brown which appears to be surrounded by apartment buildings, not single family residences. Mr. Frost explained that the concerns included whether or not the proposed project was detrimental to their property values as well as the changes in traffic patterns.

He feels the project could potentially bring about a greater increase in institutional housing and halfway houses in the surrounding neighborhood. Mr. Frost also shared a concern of what would happen to the facility if Cornerstone were to leave. He concluded with stating his appreciation of the he has had with Cornerstone.

Vice Chair Montague asked Mr. Frost what he felt would be an appropriate use of the property. Mr. Frost responded that an assisted living facility would be preferred.

Chair Freeman read into the record that Mark Noble, 126 S. Spencer is in support of the project and does not wish to speak.

Allen H. Blau, 745 E. 2nd Avenue spoke in favor of the project. Mr. Blau stated he had sent a letter of concern regarding installation of a fence around the east and south side of the property. Mr. Blau has also asked that the Special Use Permit be granted to the organization and not for the site. The applicant has agreed to both of the stipulations and he feels having this organization in this location will benefit and create a positive environment for the neighborhood. Mr. Blau stated that there were approximately 25 residents that have signed a petition to ensure that the fencing and security is a condition of approval.

Chair Freeman ensured that Mr. Blau and other neighbors were aware that there will be 200 employees working at the facility at different times. Mr. Freeman also clarified that employees would be parking on site and not on the street.

Reese Anderson clarified that letters of support that were received were from the neighbors of the facility on Brown Road. He addressed the concern of Mr. Frost for property values by saying that the renovation of the property would greatly improve the values than in the current condition.

Boardmember Sarkissian asked if this contact with the Federal Government has an expiration date. Dr. Solloman responded that there are reviews and the current sites have been in existence for over 7 years and is expected to continue to be stable. Ms. Sarkissian asked how often they are reviewed and Mr. Anderson stated that with any federal contract they have regular inspections.

Gordon Sheffield clarified that fence heights are 6' in Mesa. This Board made an interpretation that it is hard to get an exact height with the construction of brick walls because brick can vary. The Board interpreted that block walls are to be measured in feet and not inches. Also, when there is a different typography it could end up as a higher wall.

Mr. Sheffield stated that staff cannot speculate on property values and with a Special Use Permit, we look at the land use, the impact that may be made by that land use, traffic, building codes, etc. With this request, staff compared this facility with the other, and although there are differences, the impacts of the area are similar and should not be injurious to the surrounding area.

Vice Chair Montague stated that from a use standpoint, a building of that size could go a lot of different directions and that he supports this project.

Motion: It was moved by Boardmember Rembold and seconded by Boardmember Swanson to approve case BA16-011 with the following conditions:

- 1) *Compliance with the site plan and narrative as submitted, except as may be modified by the conditions listed below;*
- 2) *Replacement of all dead and diseased landscape plants throughout the property with healthy plants of roughly equivalent size and number as those plants being replaced.*
- 3) *Compliance with all requirements of the Development Services Department as may be needed to reoccupy the buildings, including any requirements needed for issuance of a Certificate of Occupancy.*
- 4) *Compliance with all licensing requirements of the State of Arizona.*

Vote: Passed (7-0)

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

- 1.1 The proposed application involves the use of an existing but currently vacant multiple residence development previously used for a nursing home and for an assisted living facility. Both are activities typically considered as 'institutional residential' land uses.
- 1.2 The proposed operator/tenant of this development currently operates a similar facility at the southwest corner of Brown and Country Club Drive, and has been located there for approximately 16-months. The use at that location has been observed as having a relatively benign impact on adjacent properties, with few if any complaints.
- 1.3 As a residential use, the proposal is consistent with the General Plan area designation of Traditional Neighborhood.
- 1.4 As an existing development, it is already connected to the City's utility infrastructure, and will not require or demand any additional demand or capacity from that system. The street infrastructure is adequate to accommodate anticipated demand.
- 1.5 As proposed, this request is consistent with the required findings necessary to approve a Special Use Permit.

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,



Gordon Sheffield, AICP CNU-a
Zoning Administrator