

Board of Adjustment

Minutes

**City Council Chambers, Lower Level
November 2, 2016**

Board Members Present:

Chair Tony Siebers
Trent Montague, Vice Chair
Wade Swanson
Steve Curran
Ken Rembold
Terry Worcester
Kathy Tolman

Board Members Absent:

(none)

Staff Present:

Gordon Sheffield
Lisa Davis
Kaelee Wilson
MaryGrace McNear
Charlotte McDermott
Rebecca Gorton

Others Present:

The study session began at 4:30 p.m. and concluded at 5:08 p.m. The Public Hearing began at 5:30 p.m. before adjournment at 5:40 p.m., the following items were considered and recorded.

Study Session began at 4:30 p.m.

- A. Zoning Administrator's Report
None

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

Study Session adjourned at 5:08 p.m.

Public Hearing began at 5:30 p.m.

A. Consider Minutes from the October 5, 2016 Meeting:

A motion was made by Boardmember Swanson to approve the October 5, 2016 minutes as written with the correction on item BA16-054, which should read that Boardmember Curran seconded the motion and not Boardmember Rembold. The motion was seconded by Boardmember Worcester to approve the minutes.

Vote: Passed (7-0)

B. Consent Agenda:

A motion to approve the consent agenda as read by Vice Chair Montague with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report as amended during the study session was made by Boardmember Worcester and seconded by Boardmember Rembold.

Vote: Passed (7-0)

Public Hearing adjourned at 5:40 p.m.

Case No.: BA16-044 Approval with Conditions

Location: 1927 N. Gilbert Road (District 1)

Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) in the LC zoning district. (PLN2016-00577) SUP Continued from October 5, 2016

Decision: Approval with Conditions

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

Motion: A motion to approve case BA16-044 with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report was made by Boardmember Worcester and seconded by Boardmember Rembold to approve with the following conditions:

1. Compliance with the sign plan submitted, except as modified by the conditions below.
2. All attached signs for in-line tenants shall comply with Zoning Ordinance allowances.
3. All detached signs shall comply with the Zoning Ordinance allowances.
4. The non-conforming detached signs shall be removed with the issuance of the first sign permit.
5. The restaurant pad building is allowed a total of three signs not to exceed 160 square feet.

Vote: Passed (7-0)

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

- A. The CSP establishes consistent detached sign design and size.
- B. The proposed additional attached sign is proposed on the Starbucks pad building.
- C. All proposed detached signs comply with the Sign Code.
- D. The design of the detached signs is consistent in material and design with the architecture of the buildings.
- E. The sign criteria within the CSP is tailored to this specific development and promotes superior design.
- F. The inline retail tenants shall follow Sign Code allowances.
- G. The proposed CSP is largely consistent with current Code requirements and is complimentary to the development and consistent with the use of the property. Therefore, the CSP, with the recommended conditions, will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

Case No.: BA16-045 Approval with Conditions

Location: 2207 W. Main Street

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards for an existing manufactured home park in the GC zoning district. (PLN2016-00S80) Continued from October 5, 2016

Decision: Approval with Conditions

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

Motion: A motion to approve case BA16-04S with the acceptance of Findings of Fact and Conditions of Approval with the following revisions: 1) condition #3 to read 1' from edge of pavement instead of 2', and 2) the deletion of Findings #6 as read was made by Boardmember Worcester and seconded by Boardmember Rembold to approve 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. Units 1 through 24 including RV-1 and RV-2 shall maintain front setback of 1' from edge of pavement, side yard setback between units shall be maintained at 6', and rear yard between units minimum of 10' between units.
4. Units 24 through 42 and 44 shall maintain 5' setback at front from edge of pavement, 6' between units and 10' at the rear measured to the rear property lines.
5. Spaces 43, 45 and 46 shall maintain 6' between units and 10' to west property line for space 46 and 6' from the office building for space 43.
6. Storage buildings are required to meet Mesa Zoning Ordinance requirements from section 11-34-2.B.

Vote: Passed (7-0)

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

- A. The 4± acre site was developed in the 1950's and annexed into the city of Mesa in 1966.
- B. Modifications to setbacks are consistent with approvals for similar manufactured home parks.
- C. Full compliance with development standards would require demolition of the existing site improvements including removal of parking and circulation.
- D. The deviations requested are consistent with the degree of change requested to improve the site.
- E. The proposed improvements together with the recommended conditions of approval will help bring the site into a closer degree of partial conformance with current standards.
- F. The development standard modifications authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

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- Case No.:** BA16-061 Continuance to December 7, 2016
- Location:** 2724 N. Winthrop (District 1)
- Subject:** Requesting a Variance to allow for a fence to exceed the maximum height in the front yard in the RS-9 zoning district. (PLN2016-00691)
- Decision:** Continuance to December 7, 2016
- Summary:** This item was on the consent agenda and not discussed on an individual basis.
- Motion:** It was moved by Boardmember Worcester and seconded by Boardmember Rembold to continue case BA16-61 to the December 7, 2016 meeting.
- Vote:** Passed (7-0)

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- Case No.:** BA16-062 Continuance to December 7, 2016
- Location:** 5245 E. Southern Avenue (District 2)
- Subject:** Requesting a Special Use Permit (SUP) to allow: 1) modification of an existing Comprehensive Sign Plan (CSP), and 2) for an electronic message display to change more than once per hour for an existing car wash within a commercial center in the LC zoning district. (PLN2016-00714)
- Decision:** Continuance to December 7, 2016
- Summary:** This item was on the consent agenda and not discussed on an individual basis.
- Motion:** It was moved by Boardmember Worcester and seconded by Boardmember Rembold to continue case BA16-62 to the December 7, 2016 meeting.
- Vote:** Passed (7-0)

Case No.: BA16-063 APPROVED WITH CONDITIONS

Location: 2665 N. Power Road (District 5)

Subject: Requesting a Special Use Permit (SUP) to establish a Comprehensive Sign Plan (CSP) for a commercial building in the LC-PAD zoning district. (PLN2016-00735)

Decision: Approved with Conditions

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

Motion: A motion to approve case BA16-063 with the acceptance of Findings of Fact and Conditions of Approval with Condition #5 to read "Sign D at the east side of the building shall be turned off at close of business or 9:00 pm whichever is earlier" as read was made by Boardmember Worcester and seconded by Boardmember Rembold to approve with the following conditions:

1. Compliance with the comprehensive sign plan submitted, except as modified by the conditions listed below.
2. Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.
4. The area of all four of the attached signs shall not exceed a total of the 205 SF.
5. Sign D at the east side of the building shall be turned off at close of business or 9:00 pm whichever is earlier.

Vote: Passed (7-0)

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

- A. The CSP establishes consistent attached sign design and size.
- B. The proposed additional 40.88 square feet of attached sign area between the four proposed signs are within scale to the 22,500 single user building.
- C. The building is setback over 300' from Power Road.
- D. No detached sign is proposed.
- E. The design of the signs is consistent in material and design with the architecture of the building.
- F. The north facing building has limited visibility from Power Road, and is over 600-ft from McDowell Road to the north. The additional signage proposed is proportional to the building size, and addresses these issues related to commercially viable visibility of the building from the adjacent streets.
- G. The sign criteria within the CSP is tailored to this specific development and promotes superior design.

- H. The proposed CSP is largely consistent with current Code requirements and is complimentary to the development and consistent with the use of the property. Therefore, the CSP, with the recommended conditions, will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

Case No.: BA16-064 Continuance to December 7, 2016

Location: 1040 W. Southern Avenue

Subject: Requesting a Special Use Permit (SUP) for modification of a Comprehensive Sign Plan (CSP) for a group commercial center in the LC zoning district. (PLN2016-00736)

Decision: Continuance to December 7, 2016

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

Motion: It was moved by Boardmember Worcester and seconded by Boardmember Rembold to continue case BA16-64 to the December 7, 2016 meeting.

Vote: Passed (7-0)

Case No.: BA16-06S APPROVED WITH CONDITIONS

Location: 5741 E. McKellips Road (District S)

Subject: Requesting: 1) a Special Use Permit (SUP) to allow for reduction of minimum parking requirements, and 2) a Substantial Conformance Improvement Permit (SCIP) to allow the reuse of a commercial building within a group commercial center in the LC zoning district. (PLN2016-0072S)

Decision: Approved with Conditions

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

Motion: A motion to approve case BA16-065 with the acceptance of Findings of Fact and Conditions of Approval with the following revisions: 1) removal of Condition #4; 2) removal of Findings #7.1; and, 3) the addition of Finding #11.1 as referenced in the staff memo dated November 1, 2016 as read was made by Boardmember Worcester and seconded by Boardmember Rembold to approve with the following conditions:

1. Compliance with the site plan and parking demand study 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 permits.
3. The existing 316 parking spaces must be maintained for the commercial center.
4. Design Review and approval is required for all exterior modifications to the building prior to the issuance of a building permit.

Vote: Passed (7-0)

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

- A. The commercial center was developed in 2005 and 2007.
- B. The 8-acre site contains a total of 5 buildings totaling 59,706 SF in area and 316 parking spaces.
- C. On-street parking is allowed adjacent to June Street at the east and south side of the site.
- D. The proposed use does have special conditions of peak hours of evenings and weekends.
- E. The 5 building, 8-acre site is owned by a single entity this allows for shared parking for the group commercial site.
- F. Based on the data provided the peak hours of parking are 9 am utilizing only 45 spaces of the 316 parking spaces. This is only 14.2 % of the total number of parking spaces.
- G. The proposed reduction of minimum parking requirements and improvements for the commercial center is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.
- H. Full compliance with development standards would require demolition of the existing site improvements including removal of parking and circulation.

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- I. The proposed improvements together with the recommended conditions of approval will help bring the site into a closer degree of partial conformance with current standards.
- J. Based on the data provided for parking spaces occupied at 6pm, the maximum number of parking spaces occupied was 33 spaces. This is only 10.4% of the total number of parking spaces.

Case No.: BA16-066 APPROVED WITH CONDITIONS

Location: 4755 E. Main Street (District 2)

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow construction of a kiosk commercial building within an existing commercial center in the GC and LC zoning district. (PLN2016-00738)

Decision: Approved with Conditions

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

Motion: A motion to approve case BA16-066 with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report was made by Boardmember Worcester and seconded by Boardmember Rembold to approve with the following conditions:

1. Compliance with the site plan and landscape plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of Site Plan approval.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
4. Review, approval and compliance with all requirements of Design Review showing compliance with Building Design standards in Mesa Zoning Ordinance (MZO) Section 11-6-3.C. The kiosk shall be designed to be architecturally compatible with, and of similar quality of design as, the buildings in place in surrounding area.
5. Mechanical units shall be fully screened by the design of the building as required in MZO Section 11-30-9.
6. There shall be a minimum of three bicycle parking spaces provided on the site as per MZO Section 11-32-8.
7. Per MZO section 11-41-8.E, new sign permits cannot be issued until the unlawful and/or non-conforming signs are removed.
8. Revise the site plan to incorporate the full depth of the parking spaces at the west side of the ice kiosk into landscape area.
9. Add a landscape island at the western end side of the parking spaces to the north of the proposed building. Elimination of the western most parking space will be needed.

Vote: Passed (7-0)

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

- A. The existing commercial center was annexed in the 1970's.
- B. This application will allow for a 216 SF retail pad to be installed within the existing commercial center.
- C. The minimum number of parking spaces, 26 spaces, will be exceeded with the proposed 127 spaces.
- D. The proportionate amounts of the entire site will be brought into substantial conformance with the Zoning Ordinance. Full compliance with all development standards for the entire site is not proportionate to the degree of improvements related to the proposed ice kiosk. Requirements to meet the all required landscape setbacks will impact vehicle circulation to the north and west.
- E. With the approved modifications, the improvements to the site will include installation of additional landscape material adjacent to Main Street and foundation base adjacent to the ice kiosk to bring the site into conformance with current codes per section 11-33.
- F. The deviations requested are consistent with the degree of change requested and improve the site.
- G. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
- H. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,



Gordon Sheffield, AICP, ENU-a
Zoning Administrator