

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195
www.ecllaw.com

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

June 22, 2015

John Wesley, Planning Director
Gordon Sheffield, Zoning Administrator
City of Mesa
55 N. Center Street
Mesa, AZ 85211

RE: Request to Amend Stipulations of Comprehensive Sign Plan Approval - BA14-032
1948 E. McKellips; Redevelopment of Chuy's Pad with new McDonald's Restaurant

Dear John;

On Tuesday, June 10, 2014, the City of Mesa Board of Adjustment approved the request by Jeff Kost, owner of the Orange Tree Plaza shopping center ("Center") at the northwest corner of McKellips and Gilbert Roads, for a Special Use Permit to modify the Center's original Comprehensive Sign Plan (CSP) subject to six (6) stipulations (see Exhibit A) in conjunction with McDonald's redevelopment of the former Chuy's Restaurant PAD.

As we discussed in our meeting on April 20th, the nature and scope of these stipulations to the CSP was a surprise to both Mr. Kost and McDonald's, because they were first presented to them right before the Board's hearing. While the decision was made to move forward at that time, when Mr. Kost and McDonald's had time to digest and fully evaluate the impacts of the stipulations, it became apparent that revisions to the language on a few of them would be needed to move forward with the redevelopment of the Center generally and the McDonald's restaurant specifically. As McDonald's began to pursue final plans to secure a building permit, they compared these stipulations to those approved on the signage plans for the other recently approved and constructed McDonalds' restaurants in Mesa and found the language of a few of the stipulations to be inconsistent with those prior approvals and unnecessarily restrictive.

Looking back now with perfect hindsight, Mr. Kost and McDonald's should have requested a continuance of the Board's review of the CSP to discuss these stipulations with Staff in more detail. That said, as McDonald's now moves forward to construction, they truly feel a couple of the stipulations will seriously impede this proposed redevelopment and some relief is appropriate.

The purpose of this letter is therefore to formally request an amendment of the approved CSP for the Center to request certain modifications to the stipulations noted below, which are consistent with the sign designs we discussed with you in the April meeting.

The attached McDonald's Sign Program, (see Exhibit B), proposes to replace pages 300 to 315 of the approved CSP with revised sign designs. In order to comply with Stipulation No. 3 as suggested in our April meeting, the Front Elevation and the Drive-thru sheets were revised. On the Front Elevation sheet (Exhibit C), the removal of the Golden Arches (to reduce the number of signs on this elevation to just one sign) is illustrated. On the Drive-thru Elevation sheet (Exhibit D), the movement of the restaurant name "McDonald's" to a location nearer the front of the restaurant where it could be paired up with the Golden Arches logo into an inverted "L" shape is illustrated; again, so this elevation would also have just one sign.

The sign area calculations for these noted elevations have been revised and now meet Mesa's Sign Code. The other pages are being resubmitted, simply because the building details, color and print are better quality, not due to any proposed changes. You will note that we have retained the raceway sign mount referenced in Stipulation No. 2 and the "Welcome" signs referenced in Stipulation No. 4, as discussed at the April meeting. Both of these sign elements are very subtle and not viewable from more than a few feet away from the signs themselves. Neither have any viewability from off the site.

The only remaining issue is Stipulation 5 regarding the location of the "Drive-thru" and "Order-here" signs, located interior and facing into the site on the west side of the restaurant. These signs are virtually identical to those approved by the City and installed at every other new or remodeled McDonald's in Mesa. Stipulation no. 5 states:

"5. Relocate the "Drive-thru" and "Order-here" text and integrate it into the ordering canopy and the single arm gate."

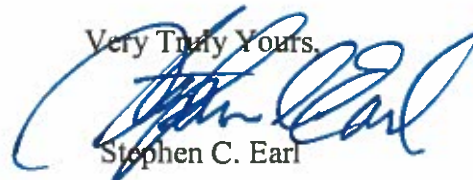
This stipulation would require completely customized signs that have never been required in Mesa or elsewhere in the valley for that matter without any corresponding public benefit to be derived. We understood at the recent meeting that Staff's primary concern with the current design was the potential visibility of these signs off-site.

To address that potential concern, we have prepared several exhibits (see attached Exhibits E, F and G), which together illustrate that the exceptionally deep landscape setbacks on the south and west sides of the McDonald's PAD – will obscure for all practical purposes any view of the ordering, canopy and single arm gate, let alone the actual lettering of the signs on those features from the public streets. Given that the location of these "Drive-thru" and "Order-here" signs will be located approximately 75 ft. back from McKellips Road and behind extensive landscaping, together with the inward orientation of those signs means they simply will not be directly viewable as signs, except to the drive thru customers. These signs will aid customers in lining up into the two alternate lanes. Attempting to relocate and integrate these "Drive-thru" and "Order-here" signs into the structural canopy feature itself would seriously hamper their functionality without any corresponding public benefit.

Finally, we are providing you with a revised calculation of all of the proposed McDonald's signs in Exhibit H. These calculations show that the proposed total amount of signage is now within that allowed by the Mesa Sign Code.

We hope you agree with our conclusions on these minor modifications. The number, size and square footage of the signs in McDonald's revised sign package is now consistent with the allowance in the Sign Code and the signage approved by the City at the other new (or redeveloped) McDonald's restaurants in Mesa.

Very Truly Yours,



Stephen C. Earl

O:\NDEX\McDonald's\Gilbert & McKellips\Letters\CSP Amendment Letter Request Final 6-19-15.docx

Exhibit A



July 7, 2014

Jeffrey Kost
Glenwood Development Company LLC
1333 North Greenfield Road Suite #104
Mesa, AZ 85205

Board of Adjustment Case BA14-032 1948 East McKellips Road

Dear Mr. Kost:

On Tuesday, June 10, 2014, the City of Mesa Board of Adjustment approved your request for a Special Use Permit to modify a Comprehensive Sign Plan (CSP) in the LC zoning district with conditions.

1. *Compliance with sign plan submitted, except as modified by these conditions.*
2. *Individual letters shall not be mounted on a raceway and shall be mounted directly to the building. The use of a raceway to mount individual letters is prohibited within the sign ordinance, and is not part of the approval of this comprehensive sign plan.*
3. *Relocate two of the Wall Arches (logos) adjacent the "McDonald's" text in order to consider the square footage as one sign each. The third Wall Arch can be located as shown on the north side of the building as the allowed third attached sign.*
4. *Relocate the "Welcome" signs as window signage in the entry.*
5. *Relocate the "Drive-thru" and "Order-here" text and integrate it into the ordering canopy and the single arm gate.*
6. *Compliance with all requirements of Development Services in the issuance of sign permits.*

A copy of the signed application for your case has been enclosed. Minutes of your case will be available following approval at the next Board of Adjustment hearing. If you have any questions, or need any further assistance, please contact the Planning Division at (480) 644-4273.

In addition, when applying for building permits, please submit a copy of the approval letter and a copy of the Board of Adjustment minutes with your application, as this will help facilitate the process.

Regards,

Mike Gildenstern
Planning Assistant

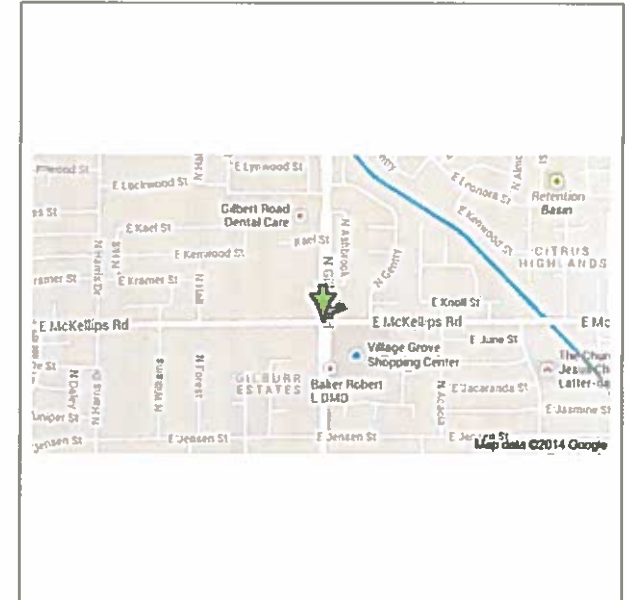
Exhibit B



McDonald's

1948 E MCKELLIPS - MESA, AZ

SIGN PROGRAM BOOK



VICINITY MAP
NTS

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: MCDONALD'S	Date: 01/17/14	Prepared By: ISU	Eng: X	<small>NOTE: Color output may not be exact when viewing a printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to the drawing will be made.</small>	persona SIGNS LIGHTING IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: MESA, AZ	File Name: 123431 - R7 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK					

FRONT ELEVATION

BOXED SQUARE FOOTAGE OF ELEVATIONS (+/-) 94163

BOXED SQUARE FOOTAGE OF BUILDING SIGNS: 24" WORDMARK: 19.53


8" WELCOME LETTERS: 2.54

TOTAL BOXED SQUARE FOOTAGE OF BUILDING SIGNS: 22.07



SCALE: 3/16" = 1'-0"

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: McDONALD'S	Date: 05/28/15	Prepared By: ISU/PKE/PKE	Eng: X	<small>NOTE: Colors depicted may not be exact when reviewing printing this drawing. All colors listed are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 <p>persona SIGNS LIGHTING IMAGE</p>	<p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com</p>
Location: MESA, AZ	File Name: 123431 - R7 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK					

BOXED SQUARE FOOTAGE OF ELEVATION (+/-): 94163

BOXED SQUARE FOOTAGE OF BUILDING SIGNS: 42" WALL ARCH: 14.00
TOTAL BOXED SQUARE FOOTAGE OF BUILDING SIGNS: 14.00

REAR ELEVATION



SCALE: 3/16" = 1'-0"

NOTE: Elevation drawings are for customer approval only. drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: McDONALD'S	Date: 05/28/15	Prepared By: ISU/PKE/PKE	Eng: X	<small>NOTE: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a reason to this drawing will be made.</small>	persōna SIGNS LIGHTING IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: MESA, AZ	File Name: 123431 - R7 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK					

DRIVE-THRU ELEVATION

BOXED SQUARE FOOTAGE OF ELEVATION {+/-}: 213713

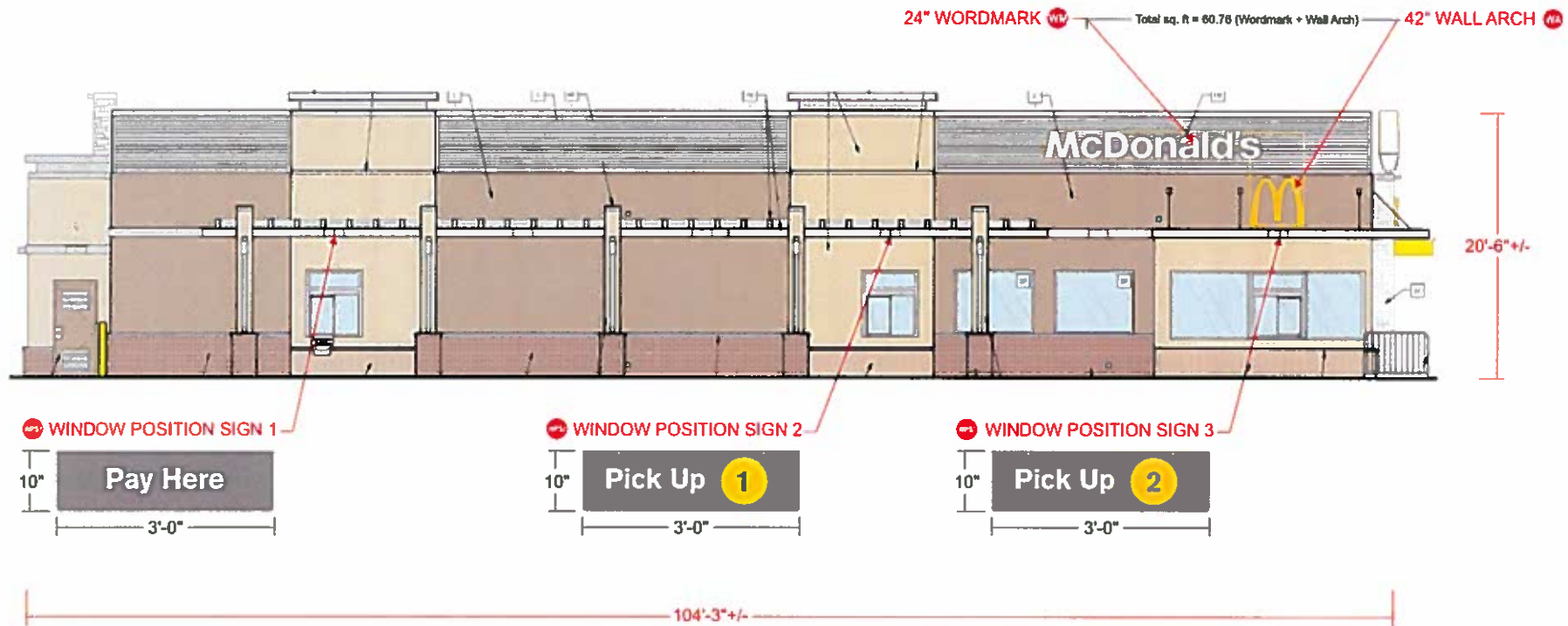
BOXED SQUARE FOOTAGE OF BUILDING SIGNS: 24" WORDMARK + 42" WALL ARCH: 6076

DRIVE THRU SIGNS: PAY HERE: 2.50

PICK UP 1: 2.50

PICK UP 2: 2.50

TOTAL BOXED SQUARE FOOTAGE OF BUILDING SIGNS: 68.26



NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:
McDONALD'S

Date:
05/28/15

Prepared By:
ISJ/PKE/PKE

Eng:
X

Note: Color subject may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS color and a revision to the drawing will be made.

Location:
MESA, AZ

File Name:
123431 - R7 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK

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SIGNS | LIGHTING | IMAGE

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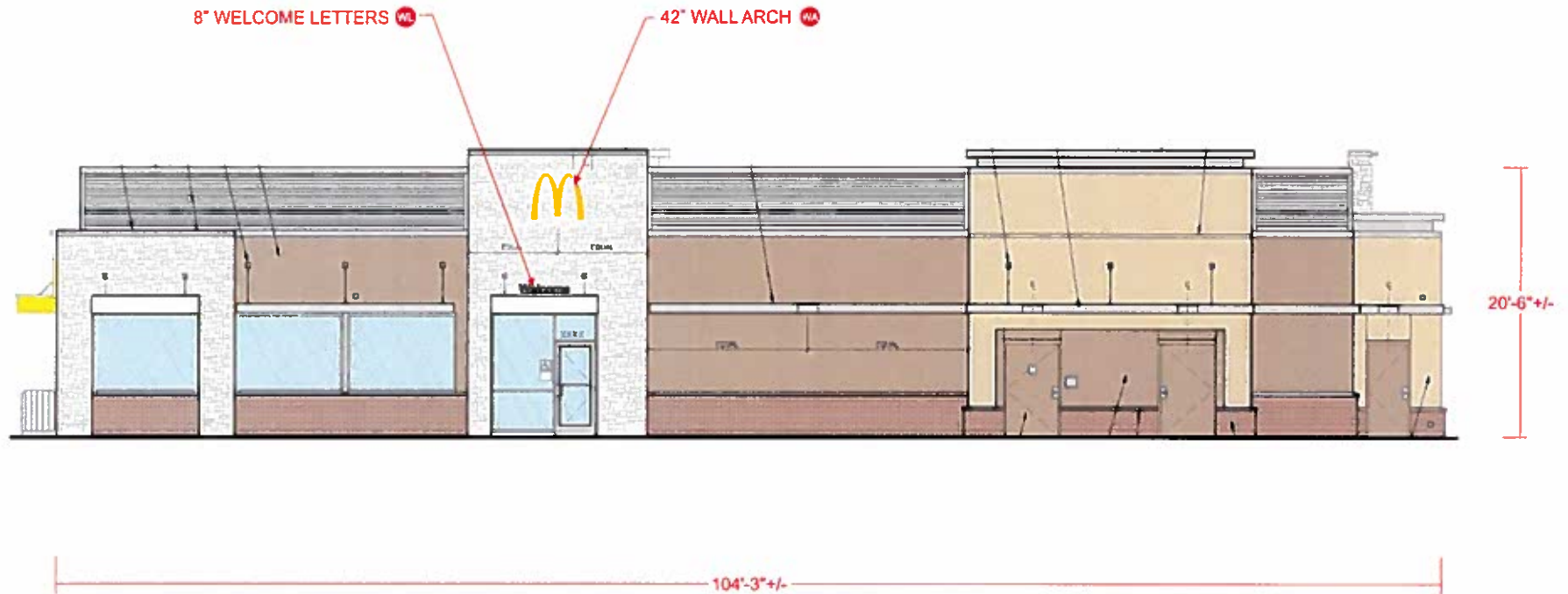
NON DRIVE-THRU ELEVATION

BOXED SQUARE FOOTAGE OF BUILDING {+/-}: 213713

BOXED SQUARE FOOTAGE OF BUILDING SIGNS: 42" WALL ARCH: 14.00

8" WELCOME LETTERS: 2.54

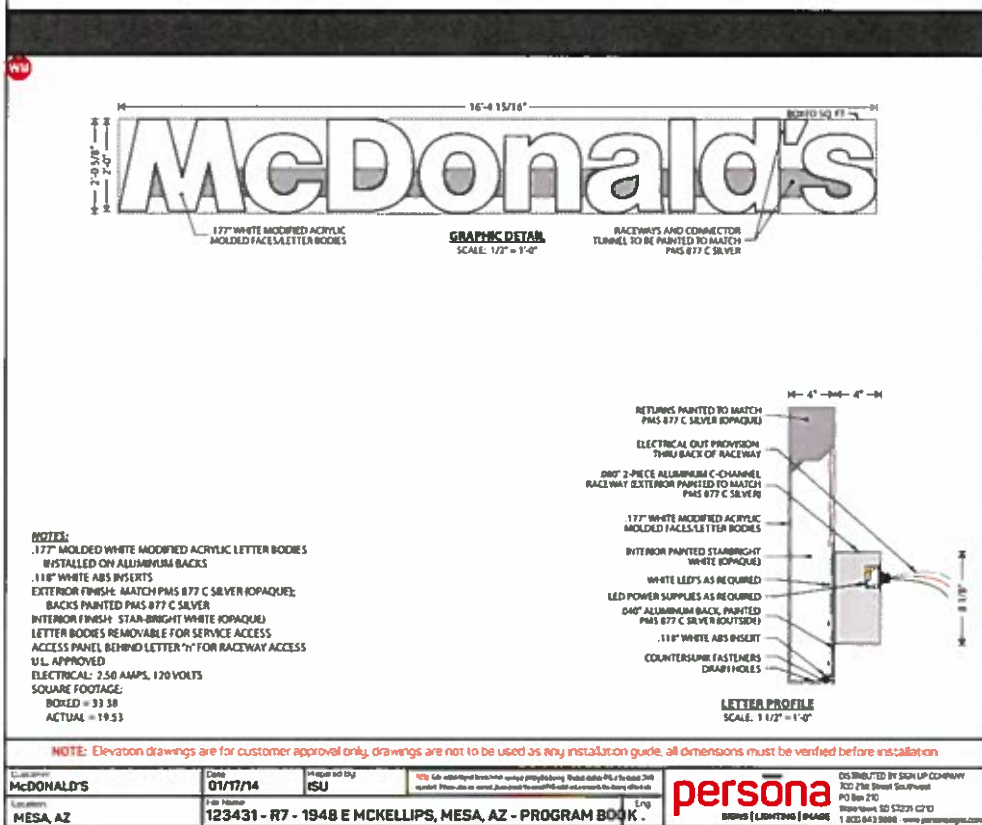
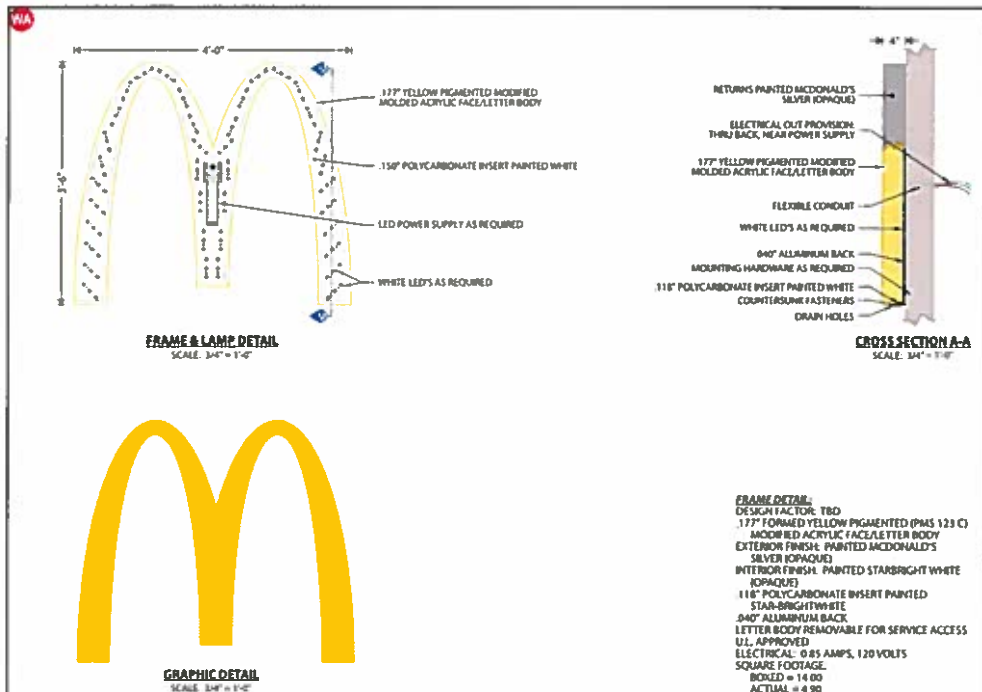
TOTAL BOXED SQUARE FOOTAGE OF BUILDING SIGNS: 16.54



SCALE: 1/8" = 1'-0"

NOTE: Elevation drawings are for customer approval only. drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: MCDONALD'S	Date: 05/28/15	Prepared By: ISU/PKE/PKE	Eng: X	<small>NOTE: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	persona SIGNS LIGHTING IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: MESA, AZ	File Name: 123431 - R7 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK					





GRAPHIC DETAIL
SCALE: 1 1/2" = 1'-0"

"WELCOME" LETTER DETAILS

3/4" ALUMINUM LETTERS WITH 1ST
SURFACE DECORATION:

■ 7725-120 SILVER - "WELCOME"
COPY

■ BLACK POWDERCOAT - OUTLINE
SQUARE FOOTAGE: BOXED = 2.54
ACTUAL = 1.18

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:
McDONALD'S

Date:
05/28/15

Prepared By:
ISU/PKE

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

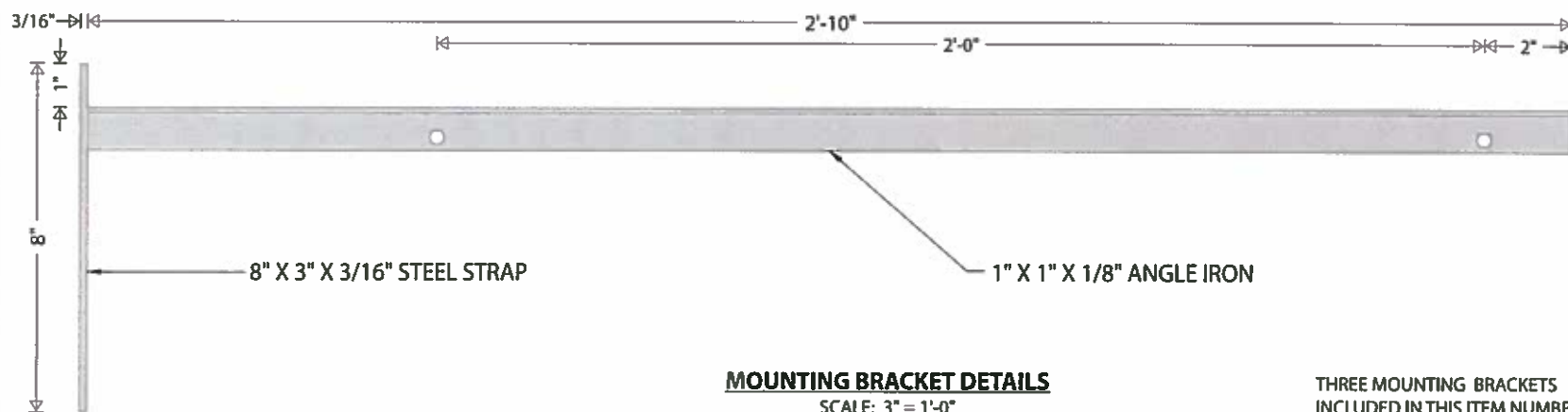
Location:
MESA, AZ

File Name:
123431 - R7 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK -

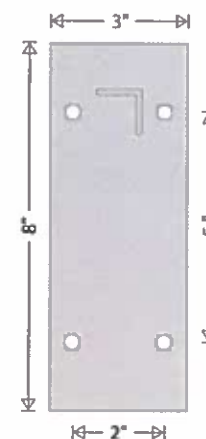
Eng:

persōna
SIGNS | LIGHTING | IMAGE

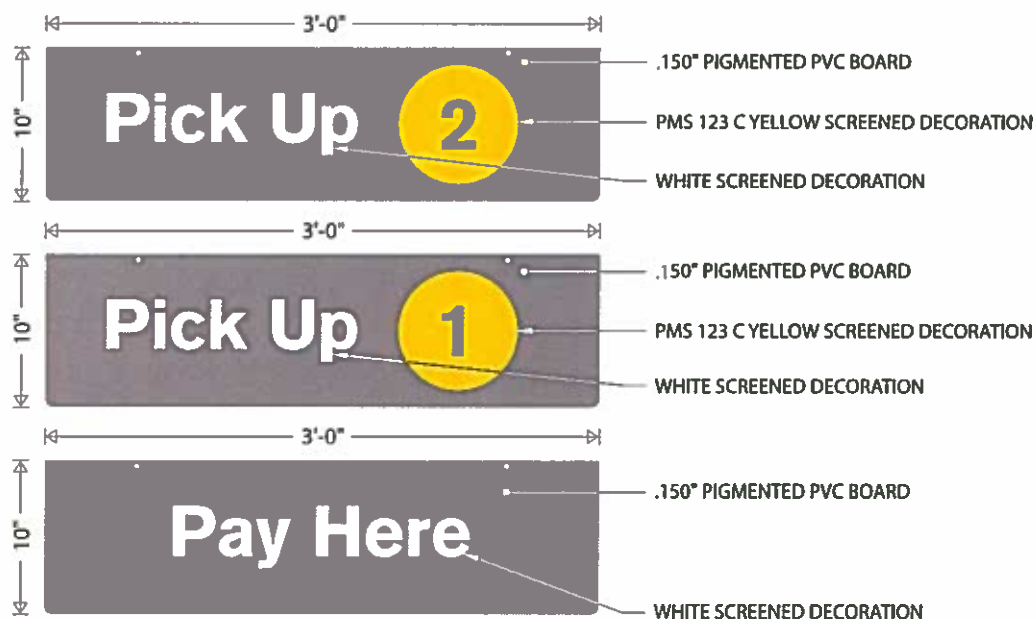
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PO Box 210
Watertown, SD 57201-0210
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**MOUNTING BRACKET DETAILS**

SCALE: 3" = 1'-0"

THREE MOUNTING BRACKETS
INCLUDED IN THIS ITEM NUMBER**PLATE DETAILS**

SCALE: 3" = 1'-0"

**WINDOW POSITION SIGN DETAILS**

SCALE: 1" = 1'-0"

BRACKET DETAILS

DESIGN FACTOR: TBD

3/16" X 3" STEEL STRAP

1" X 1" X 1/8" ANGLE IRON ARM

EXTERIOR FINISH: PAINTED PMS

877 C SILVER

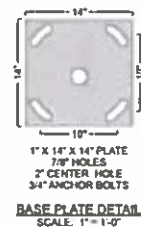
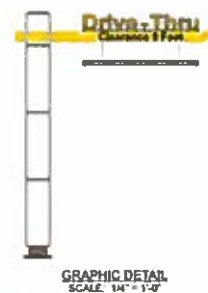
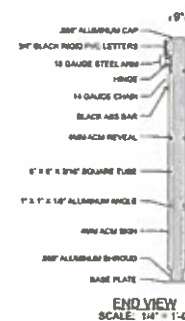
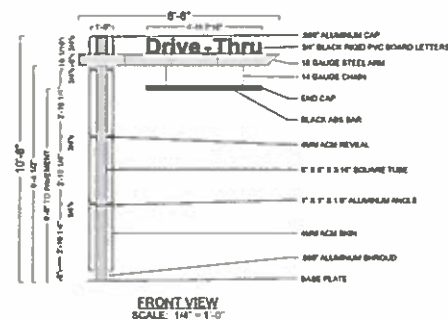
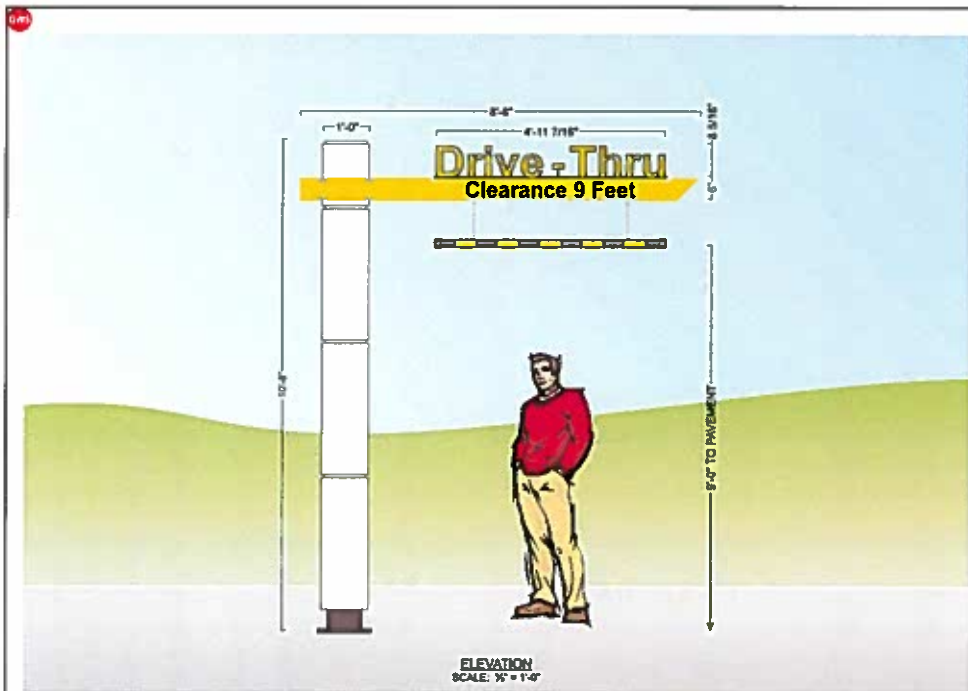
5/16" HOLES PUNCHED IN ANGLE
AND PLATE FOR MOUNTING**WINDOW POSITION SIGNS DETAIL**

DESIGN FACTOR: TBD

.150" PIGMENTED PVC BOARD TO
MATCH GREY FORD - MED DK
PLATINUMWHITE SCREENED COPY 1ST SURFACE
PMS 123 C YELLOW - NUMERAL BACKGROUND
2.50 SQUARE FEET* ALL THREE WINDOW POSITION SIGNS
ARE INCLUDED IN THIS ITEM.**NOTE:** Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.Customer:
McDONALD'SDate:
05/22/15Prepared By:
ISU/PKENOTE: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.Location:
MESA, AZFile Name:
123431 - R7 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK -

Eng:

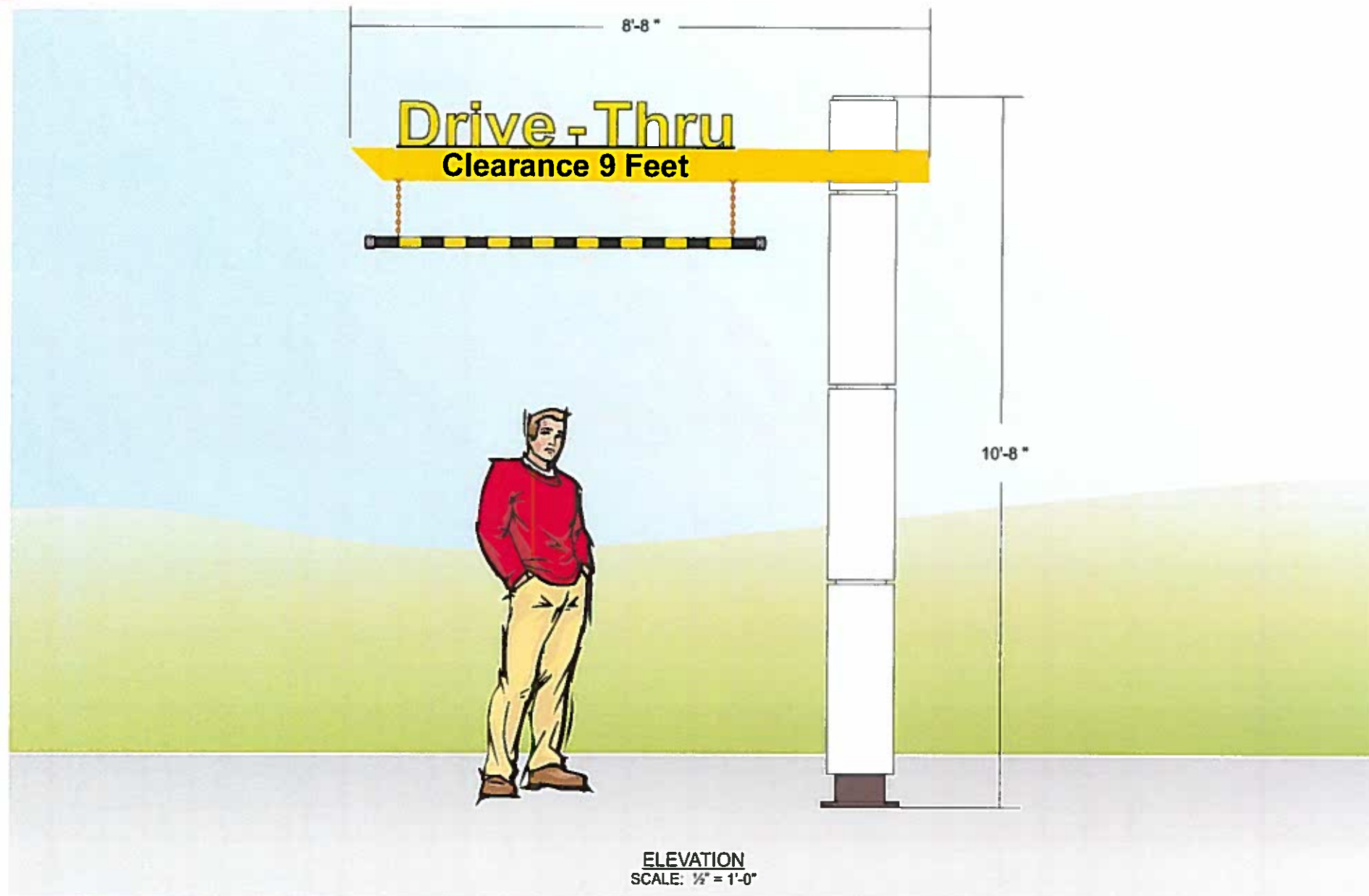
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POLE COVER DETAIL
 DESIGN FACTOR: TBD
 4MM WHITE ACM POLE COVER
 .080" ALUMINUM CAP AND SHROUD
 EXTERIOR FINISH
 POLE COVER & REVEALS -
 PRE-FINISHED BONE WHITE
 SHROUD AND BASE PLATE - MATCH
 B.M.L. 2130-20 DEEP CAVIAR
CLEARANCE BAR DETAIL
 BLACK ACM PIPE W/ 7725-15 YELLOW
 VINYL STRIPES APPLIED TO 1ST
 SURFACE
SQUARE FEET: BOXED = 92.44
ACTUAL = 15.68

SWING ARM DETAIL
 DESIGN FACTOR: TBD
 18 GAUGE STEEL ARM WITH HINGE
 W/ 1ST SURFACE PAINT AND VINYL
 DECORATION:
 MATCH PMS 109 C YELLOW - SWING ARM
 7725-12 BLACK VINYL - "CLEARANCE 9 FEET"
 COPY
"DRIVE-THRU" LETTER DETAIL
 3/4" BLACK RIGID PVC BOARD ROUTED
 LETTERS W/ 1ST SURFACE VINYL
 DECORATION:
 7725-15 BRIGHT YELLOW - "DRIVE-
 THRU" COPY
 BLACK - COPY OUTLINE

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.



NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:
McDONALD'S

Date:
01/17/14

Prepared By:
ISU

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Location:
MESA, AZ

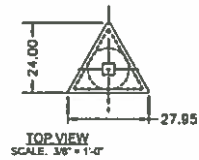
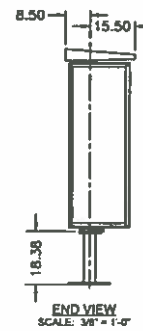
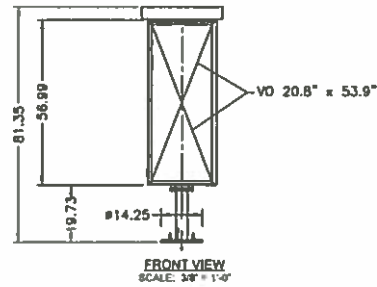
File Name:
123431 - R7 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK -

Eng:

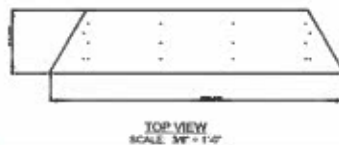
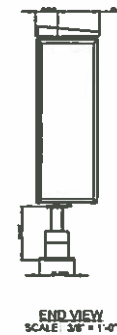
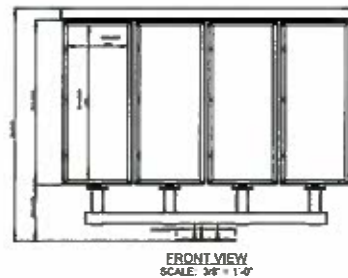
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PSB

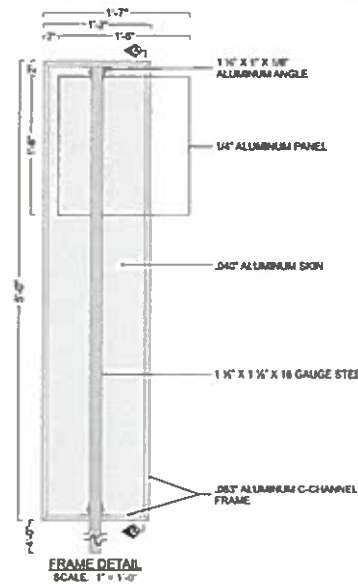
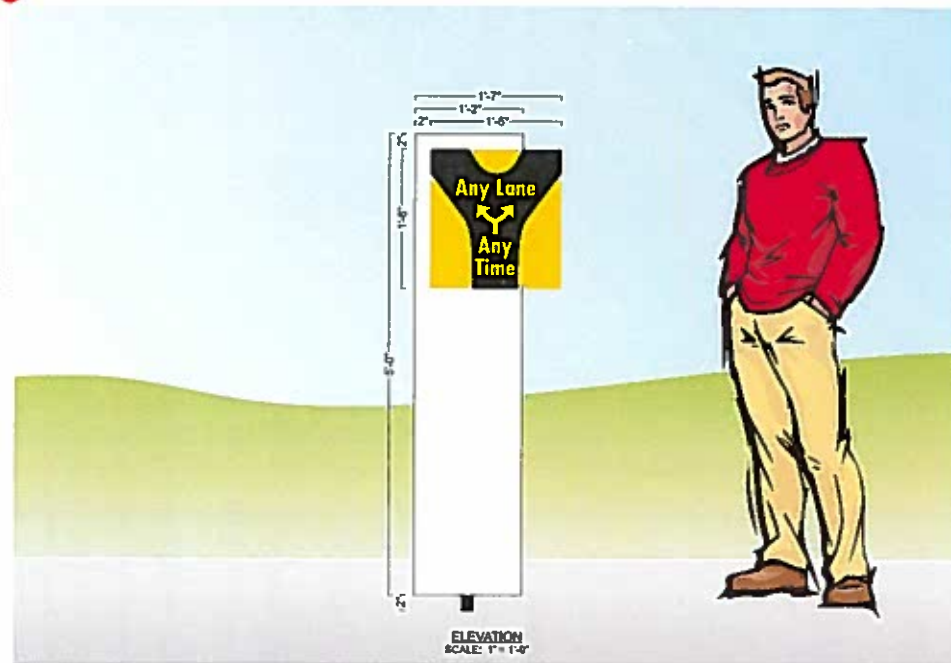


MB



NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

CUSTOMER McDONALD'S	DATE 01/17/14	PROJECT REF ID ISU	1/10 See additional drawings and specifications. All dimensions are in feet and inches. All dimensions are to be verified before installation. All dimensions are to be verified before installation.	persona Serving Life's Moments	DISTRIBUTED BY SUN UP COMPANY 200 7th Street Southwest PO Box 100 Tomball, TX 77375 1-800-841-9888 - www.personaonline.com
LOCATION MESA, AZ	JOB NUMBER 123431 - R7 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOARD		1/10		



FRAME DETAIL
DESIGN FACTOR: TBD
1 1/2" X 1/2" X .063" ALUMINUM C-CHANNEL FRAME
.040" ALUMINUM SKINS
EXTERIOR FINISH: BONE WHITE
SQUARE FOOTAGE: BOXED = 7.92, ACTUAL = 8.48



FACE DETAIL
1/4" ALUMINUM PANEL W/ 1ST SURFACE PAINT
& VINYL DECO.
YELLOW DUPONT CENTARI 5000- BACK-
GROUND, COPY & ARROW
3630-22 BLACK - LANES



NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Exhibit C

FRONT ELEVATION



SCALE: 3/16" = 1'-0"


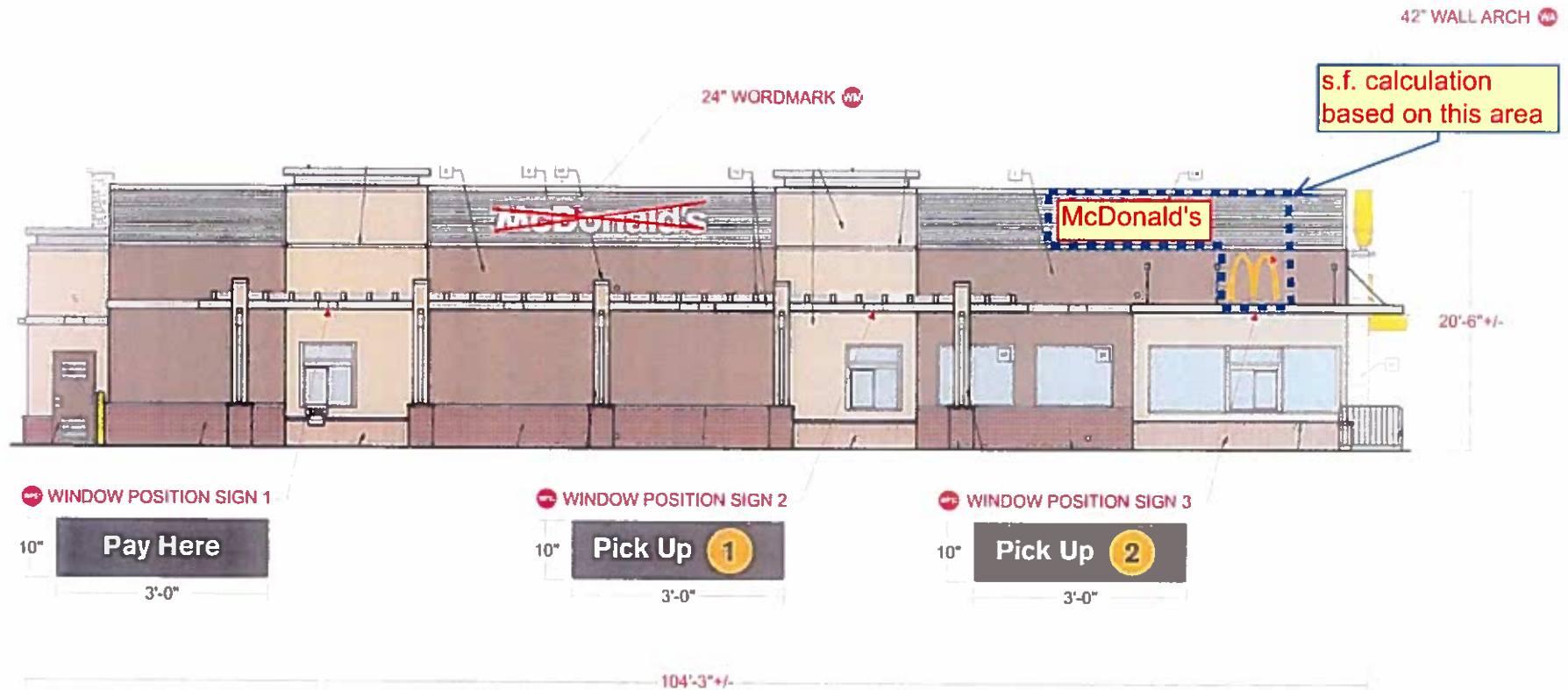
Customer:	McDONALD'S	Date:	04/02/14	Prepared By:	ISU	Eng:	X	<small>Note: Colors may vary due to exact color viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If there are any comments, please provide the correct PMS match and a revision to this drawing will be made.</small>		DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1 (800) 843-9888 • www.persona-inc.com
Location:	MESA, AZ	File Name:	123431 - R5 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK							

Exhibit D

DRIVE-THRU ELEVATION



SCALE: 1/8" = 1'-0"

Customer:	McDONALD'S	Date:	04/02/14	Prepared By:	ISU	Eng:	X	Note: Color copies may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If there are any questions, please provide the correct PMS number and a revision to this drawing will be made.	PERSONA <small>TM</small> SIGN MAKERS IMAGE BUILDERS	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 250 Watertown, SD 57203-0250 t (800) 843-9688 • www.persona-inc.com
Location:	MESA, AZ	File Name:	123431 - R5 - 1948 E MCKELLIPS, MESA, AZ - PROGRAM BOOK							

Exhibit E



GATEWAY SIGN

ORDER HERE
CANOPY SIGN

MENU BOARD
SIGN

MCDONALD'S
RESTAURANT

E MCKELLIPS ROAD

N GILBERT RD

Exhibit F

KEYNOTES

- ① GATEWAY SIGN
- ② ORDER HERE CANOPY SIGN
- ③ MENU BOARD SIGN



Exhibit G



McDonald's®

McKellips Road Sheet View of Drive-Thru
1948 E. McKellips Rd., Mesa, AZ.
LOC:002-1012
May 22, 2015

300 W. Clarendon Avenue
Suite 320
Phoenix, AZ 85013
O: 602.234.1868
F: 602.234.1413



Exhibit H

McDonald's 1948 E. McKellips Sign Area Calculations

Front Elevation

Wordmark – 19.53 sq ft

Welcome letters – 2.54 sq ft

Total proposed signage for Front Elevation = 22.07 sq ft; Max signage allowed = 93 sq ft

Building Elevation – 941.63 sq ft

Proposed Signs vs Elevation – 7.2%

Rear Elevation

Wall Arch – 14 sq ft

Total proposed signage for Rear Elevation = 14 sq ft; Max signage allowed = 93 sq ft

Building Elevation – 941.63 sq ft

Signs vs Elevation – 1.5%

Drive-Thru Elevation

Wordmark/Wall arch – 60.76 sq ft

Window Position Signs – 7.50 sq ft

Total proposed signage for Drive-Thru Elevation = 68.26 sq ft; Max signage allowed = 206.50 sq ft

Building Elevation – 2137.13 sq ft

Signs vs Elevation – 3.2%

Non Drive-Thru Elevation

Wall Arch – 14 sq ft

Welcome Letters – 2.54 sq ft

Total proposed signage for Non Drive-Thru Elevation = 16.54 sq ft Max signage allowed = 206.50 sq ft

Building Elevation – 2137.13 sq ft

Signs vs Elevation – 0.7%

ALLOWED SQUARE FEET = 2 SQ FT/1 LIN FT OF BUILDING FRONTAGE NTE 160 SQ FT TOTAL.

PROPOSED TOTAL SQUARE FEET OF BUILDING SIGNS = 120.87 SQ FT