

## **Board of Adjustment**

### *Minutes*

City Council Chambers, Lower Level

December 6, 2017

**Boardmembers Present:**

Trent Montague, Chair  
Ken Rembold, Vice Chair  
Wade Swanson  
Steve Curran  
Kathy Tolman  
Adam Gunderson  
Chris Jones

**Board Members Absent:**

Steve Curran (excused)

**Staff Present:**

John Wesley  
Kim Steadman  
Lisa Davis  
Charlotte Bridges  
Charlotte McDermott  
Mike Gildenstern

**Others Present:**

Chuck Bishop  
(others present)

The study session began at 5:00 p.m. and concluded at 5:23 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:46 p.m., the following items were considered and recorded.

**Study Session began at 5:00 p.m.**

- A. Zoning Administrator's Report  
None

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

**Study Session adjourned at 5:23 p.m.**

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**Public Hearing began at 5:30 p.m.**

**A. Consider Minutes from the November 1, 2017 Meeting**

**B. Consent Agenda:**

**B. 1. A motion to approve the minutes of the November 1, 2017 Meetings Minutes, as read by Boardmember Rembold, was made by Boardmember Tolman and seconded by Boardmember Jones.**

**Vote: 6-0 Approved (Boardmember Curran-excused)**

**Public Hearing adjourned at 5:46 p.m.**

**Case No.:** BOA17-00409 APPROVED WITH CONDITIONS

**Location:** 1551 East University Drive (District 4)

**Subject:** *Requesting two Special Use Permits (SUP) to 1) allow a retail use and 2) allow an office use in the existing building; and requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the RM-4 District.*

**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 BOA17-00409 was made by Boardmember Tolman and seconded by Boardmember Jones with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *Compliance with the operational plan within the Project Narrative.*
3. *Repair and maintain the existing monument sign.*
4. *Repaint the building. The new paint color must be approved by the Planning Director prior to repainting the building.*
5. *Submit a landscape plan by February 1st, 2018 for acceptance by the Planning Director.*
6. *Implementation of the approved landscape plan by June 21, 2018; final Certificate of Occupancy will not be issued until the required landscape material is installed.*

**Vote:** Passed: 6-0 (Boardmember Curran-excused)

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

**FINDINGS:**

- A. This request is for SUPs and a SCIP to accommodate the re-use of an existing office building and site. The proposed uses are retail, business/professional office and single residence in the RM-4 district.
- B. The basement of the building will be used as a single-residence.
- C. SUPs are required for retail and business/professional office uses in the RM-4 district.
- D. Single Residence is a use by right in the RM-4 district.
- E. The site is coterminous to the intersection of an arterial street with a local street, and
- F. The aggregate maximum gross floor area of the retail use is less than 1,500 SF and the aggregate maximum gross floor area of the office use is less than 2,000 SF.
- G. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current development standards.
- H. The proposed development approaches substantial conformance with current MZO requirements to the greatest degree practicable.
- I. Full conformance with current Code development standards would require significant demolition of existing improvements.
- J. The proposed development is compatible with, and not detrimental to, adjacent properties or neighborhoods.

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- K. The deviations requested are consistent with the degree of change requested and improve the site.
- L. The site is located in the Neighborhood Suburban area as defined in Mesa's General Plan. The request is consistent with General Plan policies.

**Case No.:** BOA17-00436 APPROVED WITH CONDITIONS

**Location:** 948 East Impala Avenue (District 3)

**Subject:** *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards for an office expansion in the LI District.*

**Decision:** Approved with Conditions

**Summary:** The applicant, Chuck Bishop, 948 East Impala Avenue, presented the case to the Board.

Boardmember Swanson invited the Zoning Administrator, John Wesley, to explain to the applicant what was discussed in the Study Session.

Zoning Administrator Wesley explained that with the office expansion, the screened yard on the eastern side of the property was changing from storage to parking. A landscape island on each end of the parking is required by the Ordinance, but he agreed that parking has informally existed on the lot, and the use could potentially be seen as existing and bundled in with the Substantial Conformance Improvement Permit (SCIP). Zoning Administrator Wesley concluded by saying that the required landscape island on the north end of the parking field will be seen from the street and could help screen the yard area, and provide definition, and the landscape island on the south end by the pedestrian path to the eastern entrance will provide shade and definition as well.

The applicant, stated that the parking field will be south of the gated entry and not straight in, so the need for screening is not as necessary.

Board member Tolman felt that it was reasonable to remove the stipulation for landscaping, as it was not necessary.

Chair Montague expressed support for removing the landscaping stipulation.

Board member Jones expressed support for removing the landscaping stipulation.

**Motion:** A motion to approve case BOA17-00436 with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Swanson and seconded by Boardmember Gunderson to approve with the following conditions:

1. Compliance with the site plan, landscape plan and elevations submitted, except as modified by the conditions below;
2. Compliance with all requirements of the Development Services Division regarding the issuance of building permits.
3. Plans submitted for building permit review shall include the following items:
  - a. Revise landscape plan to meet the MZO minimum required number of shrubs at the perimeter of the site. Staff suggests placement at the east side of the 8' high masonry wall to help soften the appearance of the wall.

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- b. Screening of mechanical equipment as per MZO Section 11-30-9.
  - c. Upgrade the gate for the trash enclosure gate adjacent to Solomon at the east side of the 8' high masonry wall.
  - d. Site plan shall be modified to eliminate the two landscape islands shown behind the 8' wall on the landscape plan.
4. Provide a minimum of 3 bicycle parking spaces.

**Vote:** Passed: 6-0 (Boardmember Curran-excused)

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

**FINDINGS:**

- A. The site was developed in 1980's and expanded to the .8-acre site in 1997.
- B. The current building is 6,026 SF and the proposed addition is 1,200 SF.
- C. Proposed improvements to the site will include perimeter, foundation base and parking islands landscape; and additional number of parking spaces to bring to total number of parking spaces on the site to 12 spaces to meet minimum parking requirements.
- D. Full compliance with development standards would require demolition of the existing site improvements.
- E. The modifications requested along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a closer degree of conformance with current standards.
- F. The proposed improvements will not create new non-conforming conditions.
- G. The proposed improvements will result in a development that is compatible with and not detrimental to the adjacent properties or neighborhood.
- H. Adding landscape islands behind the existing wall will not materially improve the project.

**Case No.:** BOA17-00438 APPROVED WITH CONDITIONS

**Location:** 1244 South Power Road (District 6)

**Subject:** *Requesting two Special Use Permits (SUP) for 1) a Comprehensive Sign Plan (CSP) and 2) to allow an electronic message display to change more often than once per hour in the RS-43 District*

**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 BOA17-00438 with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Tolman and seconded by Boardmember Jones to approve with the following conditions:

1. *Compliance with the project and associated site plan, as submitted, except as modified by the conditions listed below.*
2. *Approval of a Certificate of Appropriateness, and compliance with its conditions of approval.*
3. *Compliance with all requirements of the Development Services Division with regards to the issuance of building permits.*
4. *Any modification to the project as approved is subject to review to determine compliance with the SUP.*

**Vote:** Passed: 6-0 (Boardmember Curran-excused)

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

**FINDINGS:**

- A. The CSP does not include attached signage.
- B. The CSP does not include signage along Southern Avenue.
- C. The CSP proposes a detached sign adjacent to Power Road, that is 8'-8" high with sign area of 56.45 SF.
- D. The CSP proposes an overall height of ±11' to the top of embellishment for the detached sign.
- E. The CSP proposes a ±2' cross atop the detached sign.
- F. The CSP identifies an existing directory sign near the entry of the church building that is 4'-6" high with sign area of 15 SF, and is located 400' from Power Road.
- G. The directory sign is too small, and too far from the street frontage to contribute to sign clutter.
- H. The sign criteria within the CSP is tailored to this specific development and promotes superior design.
- I. The proposed CSP is complimentary to the surrounding area 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 district in general.
- J. The proposed electronic message display is approximately 150' from the north property line, and 167' from the south property line.
- K. The speed limit of Power Road is 45 mph in this location.
- L. Electronic message displays are to remain static for a minimum of one hour unless a Special Use Permit (SUP) is granted. In this case a 15 second message display allowance is consistent with previous Board of Adjustment decisions and appropriate to the speed and volume of traffic in this area of Power Road.

**Case No.:** BOA17-00439 APPROVED WITH CONDITIONS

**Location:** 6659 East University Drive (District 2)

**Subject:** *Requesting two Special Use Permits (SUP) for 1) a Comprehensive Sign Plan (CSP) and 2) to allow an electronic message display to change more often than once per hour in the RS-43 District.*

**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 BOA17-00439 with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Tolman and seconded by Boardmember Jones to approve 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 Development Services Division in the issuance of sign permits.*
3. *Prior to sign permit submittal, enter into a sign agreement pertaining to the sign within the future width line of the right-of-way.*
4. *Sign owner, at sign owners expense, must relocate the sign placed within the future width line of the right-of-way when requested by the City in connection with the construction of a public improvement.*
5. *Provide certificate of insurance as required by Mesa Zoning Ordinance.*
6. *Each message on the electronic display message sign shall remain static for a minimum of fifteen (15) seconds.*
7. *The transitions between messages and the light intensity level of the electronic message display shall comply with the requirements of Section 11-41-8.D.17.*

**Vote:** Passed: 6-0 (Boardmember Curran-excused)

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

**FINDINGS:**

- A. The CSP does not include attached signage.
- B. The CSP does not include signage along 67th Street.
- C. The CSP proposes two detached signs adjacent to University Drive; 1) 54.27 SF sign area, 8' in height and 2) 15 SF sign area, 6'-7" in height
- D. The amount of detached signage in the area is limited and the additional sign area does not contribute to sign clutter.
- E. The sign criteria within the CSP is tailored to this specific development and brings a previously non-conforming sign (pole sign) into compliance with MZO sign design criteria.
- F. The proposed CSP is complimentary to the surrounding area 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 district in general.
- G. The proposed electronic message display is approximately 253' from the west property line, and 183' from the east property line.



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- H. The speed limit of Power Road is 45 mph in this location.
- I. Electronic message displays are to remain static for a minimum of one hour unless a Special Use Permit (SUP) is granted. In this case a 15 second message display allowance is consistent with previous Board of Adjustment decisions and appropriate to the speed and volume of traffic in this area of University Drive.

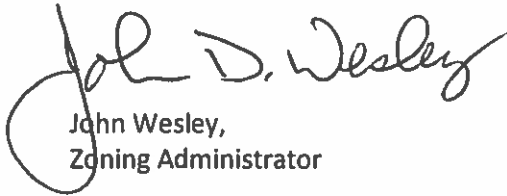
OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John D. Wesley". The signature is written in a cursive style with a large, looping initial "J".

John Wesley,  
Zoning Administrator