



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

October 2, 2019

CASE No.: **BOA19-00595**

CASE NAME: **Simon Med Sign**

Owner's Name:	Phoenix Dobson LLC
Applicant's Name:	Craik Musik, The Sign Company of Arizona
Location of Request:	1111 South Dobson Road
Parcel Nos:	134-27-001N
Nature of Request:	A variance from the required setback to allow for a detached sign to be placed in the future right-of-way width for a commercial development
Zone District:	Limited Commercial (LC)
Council District:	3
Site size:	23,460 square feet or .54 ± acres
Existing use:	Medical Office
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

HISTORY

In the **early 1970's**, the surrounding shopping center was developed.

In **July 1991**, the Board of Adjustment approved variances (ZA91-060) to reduce the required landscape width and eliminate the screening requirements along Dobson Road and Southern Avenue in conjunction with the expansion of an existing commercial development in the C-2 District to create two new pad sites.

In **June 1993**, a sign permit was finalized for the installation a 24-square foot, 6-foot tall detached sign within the 65-foot future width right-of-way but, outside the 55-foot right-of-way subject to a sign agreement.

Street views of the site show that the sign was removed **prior to September 2008**, while the sign structure has remained.

PROJECT DESCRIPTION

Background

The applicant is requesting a variance to allow a 40 square foot, 6-foot tall, detached sign to be placed in the future right-of-way of Dobson Road Per Section 11-2-3(L)(1) of the MZO all required setbacks are measured from the future right-of-way rather than the property line.

In 1993, the previous detached sign was approved within the future right-of-way of Dobson Road with the execution of a sign agreement. At the time, the right-of-way width for Dobson Road was 55 feet and the future right-of-way width was 65-feet and currently is the same. Since the previous sign approval, the MZO requirements for placement of a detached sign in the future right-of-way have changed; now requiring the approval of a variance, the execution of a sign agreement, and a certificate of insurance. The former sign was considered legal non-conforming because it did not meet setback requirements of the current MZO. Per Section 11-36-4 of the MZO, the legal non-conforming detached sign is considered abandoned because the sign casement was removed more than one year ago, losing its grandfathered status.

The proposed detached sign complies with the area and height allowances of Table 11-43-3(D)(3) of the Mesa Zoning Ordinance (MZO) for a detached sign in the LC district.

General Plan Character Area Designation and Goals

The Mesa 2040 General Plan designates this property as a Neighborhood Village character type within a Transit Corridor district. Per Chapter 7 of the General Plan, Neighborhood Village Centers are shopping areas between 15 and 25 acres in size, containing a mixture of uses that serve the population within less than a two-mile radius. The purpose of the Transit Corridor is to develop a more urban pattern with buildings brought close to the front property lines and parking provided behind or beside the buildings. The existing commercial development is consistent with the character area designation of the General Plan.

Site Characteristics:

The property is a pad site with frontage along Dobson Road and is at the north end of an existing group commercial development known as Dobson Plaza (shopping center) located at the northeast corner of Dobson Road and Southern Avenue. The commercial center was developed in the early 1970's with 10-foot wide landscape setbacks along its street frontages and head-in parking spaces immediately adjacent to the landscape setback. Currently, there are two existing detached signs for the Dobson Plaza commercial shopping center that are within the Dobson Road future right-of-way. The proposed detached sign is located approximately 250±-feet north of the closest shopping center detached sign and meets Section 11-43-2(C) of the MZO minimum separation requirement of 75 feet.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Dobson Road) RM-4 Existing Multi-Residence	North RM-2 PAD Existing Multi-Residence	Northeast RM-2 PAD Existing Multi-Residence
West (Across Dobson Road) LC Existing Commercial	Subject Property LC Existing Medical Office	East LC Existing Commercial
Southwest (Across Dobson Road) LC Existing Commercial	South LC Existing Commercial	Southeast LC Existing Commercial

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-80-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on variances that:

1. There are special circumstances applicable to the property, including its size, shape, topography, location, or surrounding;

The subject property was developed in the early 1990's in conjunction with a variance, which reduced the required landscape setback along Dobson Road to 10-feet. In accordance with the variance approval, an earlier detached sign was permitted within the 65-foot future right-of-way width of Dobson Road but outside the 55-foot right-of-way with the submittal of a sign agreement. Currently, the City does not have plans to widen Dobson Road.

2. That such special circumstances are pre-existing, and not created by the property owner or appellant;

Special circumstances associated with the development of the subject pad site in the early 1990's, allowed the placement of a former detached sign within the Dobson Road 65-foot future right-of-way, but outside of the Dobson Road 55-foot right-of-way. The former sign was considered legal non-conforming and is now considered abandoned because the sign casement was removed more than one year ago. Since the original approval of the detached sign, MZO requirements for placement of a detached sign in the future right-of-way have changed; now requiring the approval of a variance, the execution of a sign agreement, and a certificate of insurance. The changes to the MZO requirements for placement of a detached sign in the future right-of-way were not created by the property owner.

3. The strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district

Strict application of the MZO requirements, locates the proposed detached sign within the parking and circulation area of the property, which is impractical and deprives the property of privileges currently enjoyed by other commercial centers along Dobson Road. The proposed detached sign is 15 feet behind the face of curb, which is consistent with commercial detached signs in the area and complies with Section 11-43-2(C)(1)(d) of the MZO.

4. Any variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

The variance request would not constitute a grant of special privileges as there are two existing non-conforming detached signs located within future right-of-way width line of Dobson Road within the same shopping center. In addition, if these existing non-conforming detached signs are removed or abandoned for a year or more, current MZO requires that replacement of the signs would need to obtain a variance from the Board of Adjustment.

Findings

- A. The previous detached sign was approved within Dobson Road's 65-foot future right-of-way of with the submittal of a sign agreement.
- B. The proposal conforms to the required findings for granting of a variance outlined in Section 11-80-3 of the MZO.
- C. Two existing detached signs for the surrounding shopping center are currently located within the future right-of-way of Dobson Road. The placement of the detached sign is consistent with other commercial centers in the area.
- D. The proposed detached sign complies with the area and height allowances of the MZO for a detached sign in the LC district.
- E. The proposed detached sign is 15 feet behind the face of curb and complies with Section 11-43-2(C)(1)(d) of the MZO.

Neighborhood Participation Plan and Public Comments

The applicant mailed required notification letters to all property owners within 500 feet of the site. As of the writing of this report, staff has not been contacted by any resident or property owner to express support or opposition to the request.

Staff Recommendations:

Based on the application and the criteria for approving a variance outlined in Section 11-80 of the MZO, Staff recommends approval of the request with conditions:

Conditions of Approval:

1. Compliance with the site plan and sign plan details as submitted;
2. Compliance with all City Development Codes and regulations; and
3. Compliance with all requirements of the Development Services Department for the issuance of a sign permit.