



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

October 2, 2019

CASE No.: BOA19-00620	CASE NAME: Orange Tree Development Sign
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Owner's Name:	Gilbert McKellips Fitness, LLC
Applicant's Name:	Summit West Signs
Location of Request:	2000 block of North Gilbert Road and 1900 to 2000 block of East McKellips Road
Parcel Nos:	136-06-020G;
Nature of Request:	A variance from the required setback to allow a detached sign to be placed in the future right-of-way width for a commercial center
Zone District:	Limited Commercial (LC)
Council District:	1
Site size:	4± acres
Existing use:	Group commercial center
Staff Planner:	Lisa Davis, AICP
Staff Recommendation:	APPROVAL with Conditions

HISTORY

Early 1980's, according the Maricopa County historical aerial photography the group commercial center was constructed.

On April 1, 1986 The Board of Adjustment approved a Special Use Permit for a Comprehensive Sign Plan (CSP) for the group commercial center (case #BA86-033). The CSP approved specific criteria for attached signs and commercial ID signs attached to the screen wall adjacent to the street frontages.

On January 14, 1997 the Board of Adjustment approved a Special Use Permit to modify the Comprehensive Sign Plan for a commercial center (case #ZA96-170). Modification of CSP for major tenant attached signs and to allow two detached signs at 12' high and 80 square foot, one adjacent to Gilbert Road and one adjacent to McKellips Road.

PROJECT DESCRIPTION

Background

The purpose of the subject request is to allow a detached sign to be constructed adjacent to Gilbert Road within the future right-of-way. Currently, there is an existing detached sign within the future right-of-way adjacent to Gilbert Road. The applicant is requesting to remove the existing sign and erect a new monument sign, 10 feet north of the existing sign. Per Section 11-2-3(L)(1) of the Mesa Zoning Ordinance (MZO) all required setbacks must be measured from the future right-of-way rather than the property line. Per Section 11-47-7 of the MZO, a variance is required for a detached sign placed in the future right-of-way.

As shown on the submitted site plan, the applicant is also proposing to place the sign 13 feet from the back of the curb. Section 11-43-2(C) of the MZO requires a 15-foot setback behind the existing street curb. This was a new standard added with the 2018 sign code update to ensure that detached signs meet the sight visibility requirements as determined by the City of Mesa Engineering Design Standards.

General Plan Character Area Designation and Goals

The Mesa 2040 General Plan character area designation on the property is Mixed Use Activity District. Per chapter seven of the General Plan, the primary goal of this character area is to provide high-quality opportunities for commercial and entertainment activities consistent with the needs of today's consumer. The existing commercial center and the applicant's proposal is consistent with the General Plan.

Site Characteristics

The subject property is located at the west side of Gilbert Road and north of McKellips Road. The commercial center was developed in the late 1980's. Currently the half street right-of-way width for Gilbert Road is at 55 feet and the future half street right-of-way is 75 feet. Looking at the current site, the 75 foot width measures to the parking lot and would require removal of all landscape adjacent to Gilbert Road. Currently, there are no plans to widen Gilbert Road.

There are two existing detached signs placed within the future right-of-way adjacent to Gilbert Road. The existing multi-tenant sign constructed in the 1980's will be removed and replaced with the proposed detached sign. The second sign south of the multi-tenant sign is the existing Dutch Bros. detached sign. Per Section 11-43-2(C) of the MZO detached signs shall be placed a minimum of 75 feet apart. The proposed sign meets the MZO requirements for separation from the Dutch Bros. sign.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-15 Developed Residential	North RS-43 Developed Residential	Northeast (Across Gilbert Road) RS-9 Developed Residential
West LC and AG Developed commercial and vacant site	Subject Property LC Developed Commercial	East (Across Gilbert Road) RS-9 & LC Developed Residential & Commercial
Southwest OC Developed commercial & offices	South (Across McKellips Road) LC Developed Commercial	Southeast (Across Gilbert & McKellips Roads) LC Developed 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 commercial site was developed in the early 1980's with narrow landscape setbacks adjacent to McKellips Road and Gilbert Road. The widening of Gilbert Road in the mid 1990's further reduced the landscape area between the curb and the commercial center's parking lot. The current half street right-of-way is 55 feet wide and the future half street right-of-way is 75 feet. The City does not have plans to widen Gilbert Road in the near future.

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

The special circumstances on this property are a result of the development of the commercial center in the 1980's and the proposed future right-of-way established by the City of Mesa. Utilizing Maricopa County historical photos, comparing 1996 to 2018 photos, Gilbert Road underwent a widening project in the mid-1990's. The widening of Gilbert Road reduced the landscape area used for placement of the signs, thus precluding the ability to meet the required 15-foot setback from the back of the curb. The placement of the detached sign will be required to show that it does not impede site visibility prior to issuance of a building permit.

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

Many of the commercial properties in the area have existing detached signs placed within the future right-of-way. This includes the existing detached sign that is proposed to be removed and replaced and a second detached sign located south of the proposed sign within the same group commercial center.

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 granting of the requested variance will not grant special privileges to the subject property that are inconsistent with other properties in the area. Several commercial properties at the intersection of Gilbert and McKellips Roads have detached signs placed within the future right-of-way that don't meet the 15-foot setback from curb requirement.

Findings

- A. The subject property is an existing commercial center constructed in the mid-1980's.
- B. In 1997, a Comprehensive Sign Plan was approved for the commercial center which allowed for a multi-tenant detached sign to be constructed within what is now designated as future right-of-way.
- C. The City of Mesa Zoning Ordinance was changed in 2018 to require the 15-foot setback from the curb of the adjacent street.
- D. Gilbert Road was widened in the mid 1990's. The widening of Gilbert Road further reduced the landscape area adjacent to the shopping center that can be utilized for placement of detached signs. To meet the required future 75-foot half street right-of-way setback, the detached sign would have to be placed in the existing parking lot of the commercial center.
- E. The strict application of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other commercial properties and is consistent with the development pattern of the commercially developed intersection.
- F. Approval of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity of the subject property. The proposed sign meets all maximum allowed area and height allowed in the LC zoning District.

Neighborhood Participation Plan and Public Comments

The applicant mailed the required notification letters to all property owners within 500 feet of the site. As of writing 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 final site plan and sign plan details as submitted;
- 2. Compliance with all City Development Codes and regulations; and
- 3. Prior to the issuance of the sign permit, the applicant shall submit plans demonstrating compliance with sight visibility per City of Mesa Engineering Design Standards.
- 4. Compliance with all requirements of the Development Services Department in the issuance of sign permits.