

Board of Adjustment

Minutes

City Council Chambers

December 5, 2018

Boardmembers Present:

Chris Jones, Vice-Chair
Trent Montague
Ken Rembold
Kathy Tolman
Adam Gunderson

Board Members Absent:

Wade Swanson
Steve Curran

Staff Present:

John Wesley
Veronica Gonzalez
Charlotte Bridges
Erik Hansen
Margaret Robertson
Mike Gildenstern

Others Present:

Josh Oehler
Josh Hannon
Andrew Gibson
Kenneth Brands
Sheri Beller
(Others Present)

The study session began at 5:00 p.m. and concluded at 5:25 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:36 p.m., the following items were considered and recorded.

Board of Adjustment Study Session

1. Call meeting to order

Study Session began at 5:00 p.m.

- 1-a** Vice-Chair Jones thanked Planning Director/Zoning Administrator Wesley for his 15 years of service to the City of Mesa

2. Zoning Administrator's Report

- 2-a** Planning Director/Zoning Administrator Wesley remind the Board that the next Board of Adjustment Meeting is January 2nd, 2019. Mr. Wesley also noted that the new Planning Director/Zoning Administrator Nana Appiah will be present at the January Meeting.

3. Review and discuss items listed on the Public Hearing agenda for December 5, 2018.

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

4. Adjournment

Study Session adjourned at 5:25 p.m.

Board of Adjustment Public Hearing

Call meeting to order

Public Hearing began at 5:30 p.m.

1. Take action on all consent agenda items.

Items on the Consent Agenda

2. Consider the Minutes from the November 7, 2018 meeting

On a motion by Boardmember Rembold and seconded by Boardmember Montague, the Board unanimously approved the November 7, 2018 minutes and Consent Agenda as read by Boardmember Montague.

Vote: 5-0 (Absent: Chair Swanson, Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

3. Take action on the following cases:

A motion to approve the cases on the consent agenda as read by Boardmember Montague was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 5-0 (Absent: Chair Swanson, Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

***3-a Case No.: BOA18-00553 APPROVED WITH CONDITIONS**

Location: 160 North Power Road (District 2)

Subject: *Requesting a Development Incentive Permit (DIP) to allow an Assisted Living Facility in the OC 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 BOA18-00553 as read by Boardmember Montague with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague 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 Department in the issuance of building permits.
3. Compliance with all requirements of case ZON18-00576.
4. Compliance with all requirements of case DRB18-00577.

Vote: 5-0 (Absent: Chair Swanson, Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

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

FINDINGS:

- A. The site is ±1.2 acres and has been in its current configuration for more than 10 years.
- B. The site is served by, or has direct access to, existing utility systems.
- C. The total developable land area within 1,200’ of the site is not more than 25% vacant.
- D. Greater than 50% of lots within 1,200’ of the site have been developed for more than 15 years.
- E. This request for a DIP will allow for the development of a bypassed parcel.
- F. The proposed assisted living facility is consistent with the General Plan designation in this area, which is “Neighborhood Suburban”.
- G. The requested deviations are necessary to accommodate the proposal and will result in a development that is commensurate with existing development in the vicinity.
- H. Compliance with ZON18-00576 and DRB18-00577 approvals will ensure the level of site improvements, architectural detailing and design elements on the building will meet the intent of the Design Standards of the MZO.

***3-b Case No.: BOA18-00720 APPROVED WITH CONDITIONS**

Location: 431 South Stapley Drive (District 4)

Subject: *Requesting a Special Use Permit (SUP) to allow a Small Indoor Recycling Collection Facility in the LC 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 BOA18-00720 as read by Boardmember Montague with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague to approve with the following conditions:

1. Compliance with the floor plan dated October 22, 2018 and “JC Recycling’s Special Use Permit - Written Request” revised October 22, 2018, as submitted except as modified by the conditions below.
2. Compliance with all requirements of the Development Services Department in the issuance of building permits.
3. All material to be stored in bags within an enclosed building. No outdoor storage is allowed.
4. No power-driven equipment is allowed.
5. Facilities shall be maintained free of litter and other undesirable materials.
6. Bags containing recycled material shall be clearly marked to identify the type of material contained in the bags.
7. Provide an attached sign less than 6 SF in area on the exterior of the building identifying the name and telephone number of the facility operator, the hours of operations and stating that no material shall be left outside of the building.

Vote: 5-0 (Absent: Chair Swanson, Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

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

FINDINGS:

- A. The proposed small indoor recycling collection facility is located in an existing office/warehouse building in the LC district.
- B. MZO Table 11-6-2: Commercial District (Land Use Regulations), requires approval of a Special Use Permit to allow a small indoor recycling collection facility in the LC district.
- C. The proposed small indoor recycling collection facility as presented in the floor plan and described in “JC Recycling’s Special Use Permit - Written Request”, revised October 22, 2018, meets MZO 11-31-23.A development standards for a small indoor recycling collection facility.

FINDINGS: (cont.)

- D. The project advances the goals and objectives of and is consistent with the policies of the General Plan by promoting a commercial use that serves the neighborhood and helps grow a diverse and stable economy.
- E. The project will not be detrimental or injurious to the surrounding properties, the neighborhood or the City of Mesa.
- F. The project is served by existing City of Mesa utilities and public infrastructure.

***3-c Case No.: BOA18-00805 APPROVED WITH CONDITIONS**

Location: Within the 2700 block of South Signal Butte Road (east side) and the 10800 block of East Guadalupe Road (north side) (District 6)

Subject: *Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) in the LC 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 BOA18-00805 as read by Boardmember Montague with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague 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 issuance of a sign permit, a modified site plan shall be submitted for acceptance by the Planning director that addresses the following:
 - a. Relocate the detached signs out of any easement.
 - b. Relocate the detached sign along South Signal Butte Road out of any landscape island, or increase the width of the landscape island to allow the tree and shrubs to exist with the sign.

Vote: 5-0 (Absent: Chair Swanson, Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

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

FINDINGS:

- A. The CSP proposes an aggregate attached sign area, which is greater than the Code maximum, but meets Code requirements for the number of attached signs for Anchor Tenants.
- B. The CSP proposes an aggregate sign area and number of signs for Pad Tenants with building with frontages between 81-199-feet, which meets current Code.
- C. The CSP proposes to increase in the number of attached signs for Pad Tenants with ≤80-feet of building frontage from two signs to three signs but maintains an aggregate sign area that meets Code.
- D. The requested increased aggregated sign area for Anchor Tenants and the increase in the number of attached signs for Pad Tenants with ≤80-feet of building frontage is offset by a detached sign package that is significantly less than what is allowed by the Code.
- E. The CSP proposes an aggregate attached sign area for Inline Tenants that meets current Code.
- F. The CSP proposes a method for establishing the number of signs for Inline Tenants that is equivalent to current Code.
- G. The sign criteria within the CSP is tailored to this specific development and promotes superior design.

FINDINGS: (cont.)

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

***3-d Case No.: BOA18-00814 WITHDRAWN**

Location: 3155 East Backus Road (District 1)

Subject: *Requesting a Variance to allow the roof area of a detached accessory structure to exceed 50 percent of the roof area of the dwelling in the RS-35 District.*

Decision: Withdrawn by Applicant

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

Motion: A motion to acknowledge withdrawal of case BOA18-00814 as read by Boardmember Montague with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague to approve with the following conditions:

Vote: 5-0 (Absent: Chair Swanson, Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

***3-e Case No.: BOA18-00824 APPROVED WITH CONDITIONS**

Location: 7316 East Ray Road (District 6)

Subject: *Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) in the LI-AF-CUP 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 BOA18-00824 as read by Boardmember Montague with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague to approve with the following conditions:

1. Compliance with the comprehensive sign plan submitted.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

Vote: 5-0 (Absent: Chair Swanson, Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

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

FINDINGS:

- A. The CSP proposes to exceed the MZO for attached signage sign area, but proposes a total number of attached signs below the allowed MZO maximums.
- B. The CSP proposes a total area of detached signs below the allowed MZO maximums.
- C. The sign criteria within the CSP is tailored to this specific development and enhances the characteristics of the land use.
- D. The CSP will be compatible with, and not detrimental to, adjacent properties of the district in general.

***3-f Case No.: BOA18-00833 APPROVED WITH CONDITIONS**

Location: Within the 5300 and 5400 blocks of East Baseline Road (north side) (District 2)

Subject: *Requesting a Special Use Permit (SUP) to modify a Comprehensive Sign Plan (CSP) in the NC-PAD 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 BOA18-00833 as read by Boardmember Montague with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague to approve with the following conditions:

1. Compliance with the modified sign plan details submitted, except as modified by the conditions below.
2. Sign type H3 as specified in the Inverness Commons Sign Plan shall be limited to a maximum of four signs per side of the building. A single tenant may utilize no more than two signs. Unless a modification is approved by the Zoning Administrator, all signs shall be placed at a single level. The Zoning Administrator may consider allowing signs at multiple levels on building elevations which are proportionally designed to incorporate more sign areas and the use of multiple levels is consistent with the architecture of the building.
3. Signage which includes logos or other elements that exceed the capped height may be reviewed and approved by the Zoning Administrator to allow the additional height. The body of the sign is to comply with the height cap, with a limited item(s) exceeding the cap.
4. Compliance with all conditions of approval of BA00-043 except as herein modified.
5. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

Vote: 5-0 (Absent: Chair Swanson, Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

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

FINDINGS:

- A. The modified CSP allows H3 signs to include logos and other similar elements that exceed the height caps of the CSP, subject to staff review.
- B. The current request modifies the CSP standards for H3 signs. This change provides for improved visibility while avoiding sign clutter.
- C. The current request modifies the CSP standards for H3 signs. This change provides for improved visibility while avoiding sign clutter.
- D. The requested modifications to the CSP provide reasonable latitude in the use of the H3 sign type while still ensuring signage integrates well with the architecture.

FINDINGS: (cont.)

- E. The sign criteria within the CSP is tailored to this specific development and enhances the characteristics of the land use.
- F. The CSP, with the recommended conditions, will be compatible with, and not detrimental to, adjacent properties or the district in general.

Items not on the Consent Agenda

4. Take action on the following cases:

NONE

5. Other business

None.

6. Items from citizens present

None.

7. Adjournment

A motion to adjourn was made by Boardmember Montague and seconded by Boardmember Tolman.

Vote: 5-0 (Absent: Chair Swanson, Boardmember Curran)
Upon tabulation of vote, it showed:
AYES – Jones, Montague, Rembold, Tolman, Gunderson
NAYS – None

Public Hearing adjourned at 5:36 p.m.

Respectfully submitted,

John Wesley,
Zoning Administrator