Board of Adjustment

Minutes

City Council Chambers

April 3, 2019

Boardmembers Present:
Wade Swanson-Chair
Chris Jones- Vice-Chair
Trent Montague
Ken Rembold
Steve Curran
Kathy Tolman
Adam Gunderson

Board Members Absent:
None

Staff Present:
Nana Appiah
Lisa Davis
Charlotte Bridges
Veronica Gonzalez
Margaret Robertson
Mike Gildenstern

Others Present:
Edwin Bull
Pedram Kadkhodaian
Rebecca Dixon
Julie Kulka
Bobby Magness
(Others Present)

The study session began at 5:00 p.m. and concluded at 5:46 p.m. The Public Hearing began at 5:46 p.m., before adjournment at 5:55 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.

2. **Zoning Administrator's Report**
   2-a. Zoning Administrator Appiah presented and discussed the new Board of Adjustment formats for staff reports.

3.Review and discuss items listed on the Public Hearing agenda for April 6, 2019.

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

3-a. In Case BOA18-00950 the SUP findings were changed to read for C:

A 6' tall CMU wall, with a 3' view fence surrounds the outdoor dog run.

4.Adjournment

Study Session adjourned at 5:46 p.m.

Board of Adjustment Public Hearing

Call meeting to order

Public Hearing began at 5:46 p.m.

1. Take action on all consent agenda items.

Items on the Consent Agenda

2. Consider the Minutes from the March 6, 2019 meeting

On a motion by Boardmember Rembold and seconded by Boardmember Curran, the Board unanimously approved the March 6, 2019 minutes and Consent Agenda as read by Vice-Chair Jones.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

3. Take action on the following cases:

A motion to approve the following cases on the consent agenda as read by Vice-Chair Jones was made by Boardmember Rembold and seconded by Boardmember Curran.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

***3-a** **Case No.: BOA18-00950 APPROVED WITH CONDITIONS**

Location: 1928 South Gilbert Road (District 3)

Subject: *Requesting in the LC District: 1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards; and 2) a Special Use Permit (SUP) to allow an animal kennel; and 3) a Special Use Permit (SUP) to allow a small animal day care.*

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 BOA18-00950 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the site plan and operation plan as submitted, except as modified by the conditions below:
2. Compliance with all City development codes and regulations, and all requirements of the Development Services Department regarding the issuance of building permits.
3. Prior to the issuance of a building permit, submit and obtain approval of the minor site plan modification in compliance with Section 11-69 of the MZO.
4. Prior to the issuance of a building permit, the landscape plan shall be revised to provide the following:
   a. A total of 7 trees (50% 24"-box/50%, 15-gallon size) and 40 shrubs (50% gallon size or larger) in the perimeter landscape area adjacent to Gilbert Road (MZO Table 11- 33-3-A-4 and 11-33-3-A-66)
   b. One tree (24"-box) and 3 shrubs (50% gallon size or larger) per parking lot landscape island (MZO 11-33-4(D)(1) and (2)).
   c. One tree (24" box) in the foundation base adjacent to the south elevation (MZO 11- 33-5(B)(1) and (2).
   d. New above ground planters in the foundation base adjacent to the north elevations shall be equal in length to 33% minimum of the adjacent exterior wall, at least 3' wide and contain live plant material (MZO 11-33-5(B)(3)).
   e. Per MZO 11-33-5(C), provide a minimum 5' separation between the raised planter boxes and the adjacent parking stalls (MZO 11-33-5(C)).
5. Prior to the issuance of a building permit, provide proof of sound attenuation of the indoor animal service areas.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

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

FINDINGS for SCIP:

A. The existing site is considered non-conforming since construction in the 1990's under a previous code and does not meet all of the current MZO development standards.
B. The addition of the new enclosed outdoor dog run, patio seating area and additional perimeter landscape area invokes conformance to current development standards.
C. Full compliance with current code would require significant removal or relocation of existing improv ments.
D. The modifications requested along with the proposed improvements and 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.
E. The proposed improvements will not create any new non-conformities.
F. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

FINDINGS for SUP:

A. The proposed small animal day care and kennel uses are conducted inside an existing building.
B. Staff recommends a condition of approval number 5 to provide evidence of sound attenuation of the indoor kennel area at the time of submitting for building permits to comply with MZO Table 11-6-2 Note No. #4.
C. A 6' tall CMU wall, with a 3' view fence surrounds the outdoor dog run.
D. The applicant's justification/compatibility statement states that the outdoor play area will be used only between the hours 8:00 a.m.- 6:00 p.m. and that staff will be present on site 24/7 for any boarded animals or animals recovering from vet care procedures and staying overnight.
E. The proposed project is consistent with the uses allowed in the LC district and Mixed-Use Activity District character type of the 2040 General Plan and will not be injurious or detrimental to the surrounding properties and is adequately served by public services, facilities and infrastructure.

***3-b** **Case No.: BOA18-00994 APPROVED WITH CONDITIONS**

Location: Within the 200 block of South Alma School Road (east side) and the 1100 block of West Birchwood Avenue (north side) (District 4)

Subject: *Requesting a Development Incentive Permit (DIP) to allow modifications to development standards in the GI 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 BOA18-00994 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the final site plan, landscape plan and elevations as submitted, except as modified by the conditions below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Division regarding the issuance of building permits.
4. Prior to the issuance of a building permit, revise the landscape plan to be consistent with staff recommendations as indication in table 1 of this report.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

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

FINDINGS:

A. The site is 14,000 SF, which is considerably under the 2.5-acres maximum allowed, the lot has been in its current configuration for more than 10 years, the site has direct access to existing utility services and within 1,200' not more than 25% developable lots are vacant.
B. The development is consistent with the General Plan Employment character area and not more intense than the surrounding uses
C. The proposed improvements meet the intent of the development standards of the MZO.
D. Compliance with the Site Plan Review and the Design Review approval will ensure the level of architectural detailing and design elements on the building as well as the improvements to the site conform to the Standards of the MZO.
E. With the recommended conditions of approval, the required landscaping of the site will conform to the City's Zoning Ordinance, except with the recommended modifications.

***3-c** **Case No.: BOA19-00112 APPROVED WITH CONDITIONS**

Location: Within the 1100 block of North Alma School Road (west side) and the 1200 through 1400 blocks of West Bass Pro Drive (south side). (District 1)

Subject: *Requesting a Special Use Permit (SUP) to allow modifications to an existing Comprehensive Sign Plan (CSP) in the PEP-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 BOA19-00112 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the site plan, sign plan details and project narrative submitted.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

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

FINDINGS:

A. The existing CSP was approved on October 14, 2008 as case BA08-051.
B. The proposed CSP modifications do not change attached sign allowances.
C. The proposed CSP modifications meet the criteria of Section 11-46-3(D) of the MZO for approval of a CSP. The development site has an unusual shape, the owner is rebranding the site to distinguish it from existing retail development and the sign plan exhibits the same architectural style as the existing buildings
D. The proposed CSP modifications meet the criteria of Section 11-70-5(E) of the MZO for approval of a SUP. The proposal is consistent with the goals of the General Plan, the development is consistent with the PEP zoning district, the detached signs will not be injurious or detrimental to the adjacent or surrounding properties and adequate public services are provided to the site.
E. The modified sign criteria are tailored to this specific development.

***3-d** **Case No.: BOA19-00154 APPROVED WITH CONDITIONS**

Location: Within the 5700 to 6000 block of East Baseline Road (north side) and the 1900 block of South Slater (east side). (District 2)

Subject: *Requesting a Special Use Permit (SUP) to allow modifications to an existing Comprehensive Sign Plan (CSP) in the PEP-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 BOA19-00154 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the site plan, and modified sign plan submitted; except as modified below.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.
3. Sign type D shall be limited to a maximum of 28 S.F. in area.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

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

FINDINGS:

A. The existing commercial center was constructed in the early 2000's.
B. The proposed CSP does not modify attached sign allowances.
C. The proposed CSP modifications, with staff recommended conditions of approval, meets the criteria outlined in Section 11-70-3 of the MZO.
D. The plan is consistent with the goals of the General Plan, consistent with the district, the detached signs will not be injurious or detrimental to the adjacent or surrounding properties, and adequate public services are provided to the project.
E. The proposed CSP modifications with staff recommended conditions of approval meets the criteria outlined in Section 11-46-3 of the MZO. The proposed design of the signs incorporates the established architectural elements, sign designs and materials and are consistent with the architectural style of the medical use development.
F. The modified sign criteria are tailored to this specific development.

***3-e** **Case No.: BOA19-00157 APPROVED WITH CONDITIONS**

Location: 6550 South Mountain Road (District 6)

Subject: *Requesting a Special Use Permit (SUP) for an exception to the height limit in the airfield overlay district to allow for expansion of an industrial development within the HI-AF-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 BOA19-00157 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the final master site plan, overall roof plan and elevations submitted, except as modified by the conditions below;
2. Compliance with all City development codes and regulations of the Development Services Department regarding the issuance of building permits;
3. Compliance with all requirements of Design Review.
4. Compliance with all requirements of ZON18-00362.
5. Any proposed permanent, or temporary, structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. An FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

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

FINDINGS:

A. Fujifilm currently operates the ±245,135 square foot manufacturing facility and proposes to expand the facility to meet increased demand.
B. The proposed expansion is consistent with the goals of the General Plan and compatible with surrounding development.
C. The increase in height for the XLab building will accommodate uses within the building that require certain interior vertical clearances as well as properly screen roof-mounted mechanical equipment.
D. Phoenix-Mesa Gateway Airport has indicated they have no objection to the proposed expansion.
E. The proposed project will not be injurious or detrimental to adjacent properties.

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 Rembold and seconded by Boardmember Gunderson.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

Public Hearing adjourned at 5:55 p.m.

Respectfully submitted,

Lisa Davis,
On behalf of Zoning Administrator (Nana Appiah)