

**City Council Chambers – Lower Level
57 East 1st Street Mesa, AZ 85201
Study Session 4:30 p.m. and Public Hearing 5:30 p.m.
Wednesday, March 4, 2020**

Boardmembers Present:

Vice Chair Kathy Tolman
Boardmember Adam Gunderson
Boardmember Ken Rembold
Boardmember Steven Curran
Boardmember Wade Swanson

Boardmembers Absent:

Chair Chris Jones
Boardmember Nicole Lynam

Staff members Present:

Margaret Robertson, City Attorney
Rachel Prelog, Senior Planner
Lisa Davis, Planner II
Heather Omta, Planning Assistant
Charlotte Bridges, Planner I
Kellie Rorex, Planner I
Ryan McCann, Planner I

Other City members Present:

The study session began at 4:30 p.m. and concluded at 4:58 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 4:30 p.m.

2. Staff update.

Senior Planner, Rachel Prelog, presented a PowerPoint on the newly adopted Quality Development Design Guidelines and associated Zoning Ordinance amendments.

3. Review and discuss items listed on the Public Hearing agenda for March 4, 2020.

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

- Case BOA19-00368 was not presented; case continued to the April 1, 2020 hearing.
- Planner Ryan McCann presented case BOA19-00833
 - ❖ Boardmember Swanson asked for clarification on staff's findings on Substantial Conformance Improvement Permit criteria number two, which stated, "The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use." The staff report finding read:

The proposed modifications to the site would not create a cessation of the existing use. The existing use could continue to operate in its current state, or another permitted use would be allowed to operate.

The request does not comply with this criterion

Boardmember Swanson asked if the finding was supposed to say the request meets this criterion.

- ◆ Staff confirmed the last sentence should have read, “***The meets this criterion***” and noted the correction will be made on record during the reading of the consent agenda.

- Planner Lisa Davis presented case BOA19-00837
- Planner Charlotte Bridges presented case BOA19-00980
- Planner Kellie Rorex presented case BOA20-00032

4. Adjournment.

Without objection, the study session was adjourned at 4:58 p.m.

Board of Adjustment Public Hearing

1. Call meeting to order.

Public Hearing began at 5:30 p.m.

2. Take action on all consent agenda items.

Items on the Consent Agenda

3. Approval of the February 5, 2020 minutes.

A motion to approve the previous meeting’s minutes was made by Boardmember Rembold and seconded by Boardmember Gunderson.

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Tolman-Rembold-Swanson-Curran-Gunderson

NAYS – None

ABSENT – Jones & Lynam

4. Take action on the following cases:

Rachel Prelog, Senior Planner, entered the following correction into the record for case BOA19-00833:

Board of Adjustment – Wednesday, March 4, 2020 Minutes

Substantial Conformance Improvement Permit criteria number two incorrectly stated that the request did not comply with the criterion. The staff report should have read that the request meets the criteria. The correction does not change the conditions or facts of finding for the case, only the line item on the staff report.

A motion to approve the following cases on the consent agenda with added correction to BOA19-00833 as read by Boardmember Curran was made by Boardmember Rembold and seconded by Boardmember Gunderson.

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Tolman-Rembold-Swanson-Curran-Gunderson

NAYS – None

ABSENT – Jones & Lynam

***4-a Case No.: BOA19-00368 (Continue to April 1, 2020 Hearing)**

Location: 525 East Broadway Road and within the 400 block of South Pioneer (west side).
Subject: Requesting a Development Incentive Permit (DIP) to allow deviations to certain development standards for an office and multiple-residence mixed-use development in the LC and RM-2 Districts.
Decision: Continued to April 1, 2020 hearing.
Summary: This item was not discussed.

***4-b Case No.: BOA19-00833 (Approval with Conditions)**

Location: 1102 East University Drive
Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for an existing commercial development in the NC District.
Decision: Approval with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA19-00833 was made by Boardmember Rembold as read Boardmember Curran with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the final site plan as submitted.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of ZON19-00834 for rezoning and site plan approval.
4. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Tolman-Rembold-Swanson-Curran-Gunderson

NAYS – None

ABSENT – Jones-Lynam

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

- A. The subject site does not meet current MZO development standards and is therefore non-conforming.
- B. The existing building and site were originally designed and constructed in the 1970's for offices.
- C. Full compliance with current code would require significant alterations to the site and removal of portions of existing building and parking lot.
- D. Improvements to the site include increased landscape yard, parking islands, installation of landscape material, and foundation base landscape.
- E. 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 to bring the site into a closer degree of conformance with current standards.
- F. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

***4-c Case No.: BOA19-00837 (Approval with Conditions)**

Location: Within the 400 block of North Greenfield Road (east side) and the 4400 block of East University Drive (north side).
Subject: Requesting a Development Incentive Permit (DIP) to allow deviations from certain development standards for a new restaurant with a drive-thru in LC District.
Decision: Approval with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA19-00837 was made by Boardmember Rembold as read Boardmember Curran with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the final site plan as submitted.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of ZON19-00835 for site plan approval.
4. Compliance with Design Review approval.
5. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Tolman-Rembold-Swanson-Curran-Gunderson

NAYS – None

ABSENT – Jones & Lynam

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

- A. The site is 1± acre and has been in its current configuration for more than 10 years.
- B. The site is served by, or has direct access to, existing utilities.
- C. The total developable land area within 1,200 feet of the site is not more than 25 percent vacant.
- D. Greater than 50 percent of lots within 1,200 feet of the site have been developed for more than 15 years.
- E. This requested deviations through the DIP will allow for the development of a bypassed parcel.
- F. The proposed development is consistent with the General Plan designation character are of Neighborhood Village Center.
- G. The requested modifications will result in a development that is commensurate with existing development in the vicinity.
- H. Compliance with Site Plan Review approval (Case# ZON19-00835) and Design Review approval (Case# DRB19-00836) to 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.

***4-d Case No.: BOA19-00980 (Approval with Conditions)**

Location: 208 and 220 South Country Club Drive.
Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for an existing commercial development in the DB-2, LI, and GI Districts.
Decision: Approval with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA19-00980 was made by Boardmember Rembold as read Boardmember Curran with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the final site plan as submitted.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Tolman-Rembold-Swanson-Curran-Gunderson

NAYS – None

ABSENT – Jones & Lynam

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

- A. The site is zoned DB-2, LI and GI and is part of an existing commercial development that was originally constructed in the 1970's.
- B. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- C. Full compliance with current MZO would require significant alterations to the site and removal of portions of existing buildings, parking spaces and on-site circulation areas.
- D. Improvements to the site includes installation of perimeter landscape material adjacent to 2nd Avenue.
- E. The modifications requested along with the proposed improvements are consistent with the degree of change requested to improve the site and to bring the site into a closer degree of conformance with current MZO standards.
- F. The proposed improvements will not create any new non-conformities.
- G. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

***4-e Case No.: BOA20-00032 (Approval with Conditions)**

Location: 2260 East Brown Road
Subject: Requesting a Special Use Permit (SUP) to allow an assisted living facility in the OC District.
Decision: Approval with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA20-00032 was made by Boardmember Rembold as read Boardmember Curran with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the final site plan and landscape plan as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of Z91-050 and BA92-038.
4. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
5. Prior to issuance of a building permit, obtain approval of the design, through City of Mesa Transportation and Solid Waste Divisions, for the placement of no parking signs and trash barrels adjacent to 23rd Street.

Vote: 5-0

Upon tabulation of vote, it showed:

AYES –Tolman-Rembold-Swanson-Curran-Gunderson

NAYS – None

ABSENT –Jones & Lynam

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

- A. The subject property was originally developed as a single-family home and was later converted into an office use.
- B. The subject site was rezoned to O-S (currently OC) and obtained certain variances to bring the site into closer conformance with O-S standards.
- C. Improvements to the site include increasing landscaping along the north property line to add additional privacy between the proposed use and the existing single-family home, removal of additional driveway at North 23rd Street, and filling in of pool to create outdoor open space.
- D. The proposed use meets and furthers the goals of the General Plan.
- E. The location, size, design, and operating characteristics of the proposed use is consistent with the surrounding neighborhood and conforms with all City plans.
- F. The proposed project will not be injurious or detrimental to surrounding properties or the City.
- G. The site has adequate public services and facilities for the proposed use.
- H. The proposed use meets the criteria of Section 11-70-5(E) of the MZO for approval of a SUP.

Items not on the Consent Agenda

5. Take action on the following cases:

None.

6. Items from citizens present.

None.

7. Adjournment.

Without objection, the public hearing was adjourned at 5:36 p.m.

Vote: 5-0

Upon tabulation of vote, it showed:

AYES –Tolman-Rembold-Swanson-Curran-Gunderson

NAYS – None

ABSENT –Jones & Lynam

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Prelog". The signature is fluid and cursive, with the first name "Rachel" and last name "Prelog" clearly distinguishable.

Rachel Prelog,

On behalf of Zoning Administrator (Dr. Nana Appiah)