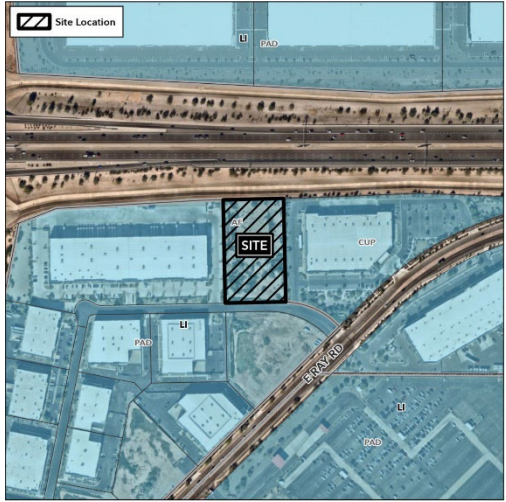


Board of Adjustment Report

Date	April 1, 2026	
Case No.	BOA25-00836	
Project Name	The Nox	
Request	Special Use Permit for a Comprehensive Sign Plan (CSP)	
Project Location	Located approximately 298 feet west of the northwest corner of East Ray Road and East Seaver Avenue	
Parcel No(s)	304-30-043	
Project Area	3± acres	
Council District	District 6	
Existing Zoning	Light Industrial with a Planned Area Development Overlay (LI-PAD)	
General Plan Designation	Industrial	
Applicant	Darshan Dawson / Arizona Commercial Signs	
Owner	GIA 394 LLC	
Staff Planner	Kwasi Abebrese, Planner II	

Recommendation

Staff finds that the requested Comprehensive Sign Plan (CSP) meets the required findings outlined in Mesa Zoning Ordinance (MZO) Section 11-46-3 and the required findings for a Special Use Permit (SUP) in Section 11-70-5.

Staff recommends approval with conditions.

Project Overview

Request:

The applicant is requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) for a Commercial Recreation facility (music and entertainment venue) located in the Light Industrial with a Planned Area Development Overlay (LI-PAD) District.

The CSP will allow for a total of nine (9) signs comprised of two (2) detached signs with a maximum sign area of 97 square feet and seven (7) attached signs with a total sign area of 834.06 square feet.

Site Context

General Plan:

- The Placetype for the project site is Industrial and the Growth Strategy is Evolve.
- Per the 2050 General Plan, entertainment and recreation land uses, including theaters, concert halls, event centers and recreation facilities, are not principal or supporting land uses in the Industrial Placetype. However, when the Commercial Recreation facility was approved, entertainment and recreational land uses, including music and movie theaters, were listed as primary land uses for this location per the 2040 General Plan.

Sub Area Plans:

- The project site is located within the Airport/Campus District of the Mesa Gateway Strategic Development Plan.
- This district is envisioned as a mixed-use district centered around educational opportunities, research and development functions, as well as airport related uses that support the traveling public.
- The proposed Commercial Recreation facility is consistent with the intent of the Mesa Gateway Strategic Development Plan.

Zoning:

- The project site is zoned Light Industrial with a Planned Area Development Overlay (LI-PAD).
- Per Table 11-7-2 of the MZO, a Commercial Recreation facility is permitted in the Light Industrial (LI) District.

Surrounding Zoning & Use Activity:

Northwest AZ Loop 202 San Tan Freeway	North AZ Loop 202 San Tan Freeway	Northeast AZ Loop 202 San Tan Freeway
West LI-PAD Industrial	Project Site LI-PAD Proposed Commercial Recreation Facility	East LI Potato Barn
Southwest (Across Seaver Avenue) LI-PAD Industrial	South (Across Seaver Avenue) LI-PAD Industrial	Southeast (Across Seaver Avenue) LI-PAD Industrial

Site History:

- **November 16, 2000:** The City Council annexed 1,571± acres, including the project site, into the City of Mesa, and subsequently assigned a zoning designation of Agricultural (AG) to the project site (Case No. A99-004; Ordinance No. 3815).
- **May 7, 2001:** The City Council approved a rezone of the project site from AG to M-1-AF (equivalent to current Light Industrial with an Airfield Overlay [LI-AF]) as part of a larger 1,562± acre rezoning (Case No. Z00-087; Ordinance No. 3885).
- **February 5, 2018:** The City Council approved a rezone of 48± acres of land, including the project site, from LI-AF to LI-AF with a Planned Area Development Overlay (LI-AF-PAD) to allow for the development of an industrial subdivision (Case No. ZON17-00283; Ordinance No. 5420).
- **December 11, 2024:** The Planning and Zoning Board approved a Site Plan and a Special Use Permit to allow for the development of a Commercial Recreation facility on the project site (Case No. ZON24-00822).

Project/Request Details

Site Characteristics:

The project site is located on the west side of Ray Road, north of Seaver Avenue and south of the AZ Loop 202 San Tan Freeway. The site is approximately 3± acres in size and is zoned Light Industrial with a Planned Area Development Overlay (LI-PAD). The site is currently vacant and has 261 linear feet of street frontage on Seaver Avenue as well as approximately 280 linear feet of frontage on the Loop 202 San Tan Freeway.

On December 11, 2024, the Planning and Zoning Board approved a Site Plan and Special Use Permit to allow for the development of a two-story 72,065 square foot building to be used for Commercial Recreation (music and entertainment venue) on the project site. Access to the site is primarily provided from East Seaver Avenue, with an option for users to enter via a cross-access drive aisle from Potato Barn via Ray Road.

Comprehensive Sign Plan (CSP):

The applicant is requesting a CSP to allow modifications from the Sign Ordinance to accommodate signage specific to the development. The proposed CSP will allow for a total of

nine (9) signs comprised of two (2) detached signs and seven (7) attached signs on the project site.

Per Section 11-43-3(D)(3) of the MZO, the maximum sign area for detached signs permitted in the LI District is 80 square feet per sign. The detached signs are comprised of one (1) monument sign located along the frontage of the project site on East Seaver Avenue with a total sign area of 90.79 square feet and one (1) internal directional sign with a sign area of 5.78 square feet. Moreover, per Section 11-43-2(C) of the MZO, no detached permanent sign is allowed within seventy-five (75) feet of any other detached permanent sign on the same parcel. The two detached signs are setback approximately thirty-six (36) feet from each other.

Per Section 11-43-3(D) of the MZO, a total number of four (4) signs with a total sign area of 640 square feet are permitted for the proposed Commercial Recreation facility in the LI District. The CSP proposes a total of seven (7) attached signs with a total sign area of 834.06 square feet. The signs will be installed at the north, south and east elevations of the building.

Table 1 compares the Mesa Zoning Ordinance (MZO) standards and the proposed CSP modifications per Sections 11-43-2 and 11-43-3 of the MZO.

Table 1: Standard Detached and Attached Sign Allowances

Sign Standards	MZO Requirements	Proposed CSP	Staff Recommendation
Detached Signs			
Maximum Area Per Sign	<u>MZO Section 11-43-3(D)(3)</u> 80 square feet	90.79 square feet	As proposed
Spacing of Detached Signs	<u>MZO Section 11-43-2(C)(1)</u> No detached sign is allowed within 75 feet of any other detached sign	No detached sign is allowed within 36 feet of any other detached sign	As proposed

Attached Signs			
Maximum number of permitted signs per front foot of building occupancy (200 – 249 feet)	<u>MZO Section 11-43-3(D)(1)</u> 4 signs	A maximum of 7 signs	As proposed
Maximum Sign Area	<u>MZO Section 11-43-3(D)(1)</u> 640 square feet	A total of 834.06 square feet	As proposed

Approval Criteria - MZO Section 11-46-3(D):

Per Section 11-46-3(D) of the MZO, the Board of Adjustment must find at least one of the following criteria are met in order to approve a CSP:

- **Unique or Unusual Physical Conditions:** The project site has frontages on both Seaver Avenue and the Loop 202 San Tan Freeway and is located approximately 298 feet west of Ray Road. The site is primarily accessed from Seaver Avenue, which is a private street internal to the larger industrial subdivision. There is also an option for users to access the site via a shared drive aisle from the existing commercial development (Potato Barn) on the east side via Ray Road. There is limited visibility of the site from Ray Road, which is the only public street access to the site. The proposed CSP would provide visibility of the Commercial Recreation facility on Loop 202 San Tan Freeway and ensure easy identification of the proposed building from the adjacent developments and streets.
- **Unique Characteristics of Land Use, Architectural Style, Site Location, or other Distinguishing Features:** The approval of the proposed CSP would allow for signage that complements the architectural design of the proposed building and is compatible with the surrounding industrial districts to the south and west sides as well as the existing commercial development on the east side of the project site. The design of the signs will provide greater visibility for the proposed Commercial Recreation facility that will not interfere with the adjacent industrial and commercial uses.
- **Incorporation of Special Design Features:** The proposed CSP includes attached and detached signs with designs and colors that are consistent with the architecture of the existing building and will be well integrated with the rest of the site. The proposed detached sign comprised of fully enclosed pan channel letters and a three-dimensional sculptural microphone element with a moon orb is designed to exhibit the brand architectural standards of the proposed Commercial Recreational facility. In addition, the attached signs are comprised of single faced, open face pan-channel letters with neon-illumination as well as an internal LED illumination with static Electronic Message Display that are designed to match the architectural standards of the proposed recreation facility and will be well integrated with the rest of the site.

Special Use Permit:

Per Section 11-46-3(A), a CSP must be approved in conjunction with an SUP. Per Section 11-70-5(E) of the MZO, the Board of Adjustment must find the following criteria are met for approval of a SUP:

1. **Consistency with the General Plan and other Plan/Policies:** The proposed CSP is consistent with the goals and objectives of the General Plan, as well as the Airport/Campus District of the Mesa Gateway Strategic Development Plan. Approval of the CSP will advance the goals and objectives of the General Plan by allowing a customized sign plan for a Commercial Recreation facility development with a unique location and physical scale.
2. **Zoning District Intent:** The project site is located in a Light Industrial with a Planned Area Development Overlay (LI-PAD) District. The purpose of the Light Industrial zoning district is to provide areas for limited manufacturing and processing, wholesaling, research, warehousing, and distribution activities that take place within enclosed buildings, with restricted accessory outdoor storage as needed to support the primary uses. This district also provides for a full range of commercial activities, generally on a limited scale, including high-impact commercial uses, outdoor display and outdoor sale. Per Section 11-7-2 of the MZO, a commercial recreation facility is permitted in the LI zoning district.
3. **Project Impact:** There will be no injurious or detrimental impact to surrounding properties with the proposed signage and will only encourage harmonic growth for the surrounding area.
4. **Adequate Public Facilities:** The City of Mesa utilities and public infrastructure are available to serve the proposed project.

Citizen Participation

The applicant conducted a Citizen Participation process, notifying surrounding property owners.

Required Notification:

- Property owners within 500 feet of the project site were notified of the public hearing.
- Neither the applicant nor staff has received any comments or concerns from surrounding property owners on the proposed project.

Conditions of Approval

Staff recommends **approval** of the Special Use Permit for a Comprehensive Sign Plan subject to the following conditions:

1. Compliance with the final sign plan as submitted.
2. Compliance with the Mesa Zoning Ordinance, including all applicable City development codes and regulations.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
4. Any sign components that become deteriorated, damaged, or weakened shall be promptly repaired or replaced.

5. All signage to be reviewed and approved through a separate sign permit application.

Section 11-70-5 of the MZO allows for a revocation process if any condition, stipulation, or term of the approval of the SUP has been violated. In addition to the conditions of approval above, approval of the SUP is conditioned on the information provided by the applicant at the public hearing and in the application (including any accompanying narrative and other supplemental materials) not being false or materially misleading at the time of approval.

Exhibits

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Narrative

Exhibit 3 – Site Plan

Exhibit 4 – Comprehensive Sign Plan

Exhibit 5 – Power Point Presentation