City of Mesa | Board of Adjustment

Study Session Minutes



Mesa Council Chambers Lower Level – 57 E 1st St Date: <u>June 7, 2023</u> Time: <u>4:30 p.m.</u>

MEMBERS PRESENT:

Chair Alexis Wagner Boardmember Heath Reed Boardmember Ethel Hoffman* Boardmember Troy Glover

MEMBERS ABSENT:

Vice Chair Nicole Lynam Boardmember Adam Gunderson Boardmember Chris Jones

(*Boardmembers and staff participated in the meeting through the use of audio conference equipment)

STAFF PRESENT:

OTHERS PRESENT:

Mary Kopaskie-Brown Rachel Nettles Margaret Robertson Charlotte McDermott Sarah Steadman Kelly Whittemore Evan Balmer Joshua Grandlienard Charlotte Bridges Chloe Durfee Daniel Samantha Brannagan Kwasi Abebrese Vanessa Felix

1 Call meeting to order.

Chair Wagner declared a quorum present, and the Study Session was called to order at 4:30 p.m.

2 Staff Update:

*2-a no updates

3 Review and discuss items listed on the Public Hearing agenda for June 7, 2023.

Staff member Evan Balmer made comments on two cases:

- Item 4-c, BOA23-00004, on the public hearing agenda. The Special Use Permit will be heard by the Planning and Zoning Board. The Board of Adjustment will only hear the request for a Substantial Conformance Improvement Permit.
- Item 5-a, BOA23-00076, on the public hearing agenda will not be heard during the study session.

*3-a Staff member Joshua Grandlienard presented case BOA22-01123 to the Board.

See attached presentation.

City of Mesa - Board of Adjustment - June 7, 2023 Study Session Minutes

*3-b Staff member Charlotte Bridges presented case BOA22-01323 to the Board. See attached presentation.

*3-c Staff member Charlotte Bridges presented case BOA23-00004 to the Board. See attached presentation.

*3-d Staff member Chloe Durfee Daniel presented case BOA23-00179 to the Board. See attached presentation.

*3-e Case BOA23-00286 continued to July 5, 2023.

*3-f Staff member Samantha Brannagan presented case BOA23-00289 to the Board.

See attached presentation.

Chair Wagner asked if a bedroom would be added on top of garage.

Staff member Brannagan confirmed a room and small kitchenette will be added above garage.

*3-g Staff member Chloe Durfee Daniel presented case BOA23-00307 to the Board.

See attached presentation.

Boardmember Reed asked if the parcel was split or one parcel, and if the parcel will be getting split.

Staff member Durfee Daniel answered the parcel is being maintained as one parcel due to the difficulties of redevelopment if the parcel was split.

Boardmember Reed asked if parking requirements will be met with both uses of properties on parcel.

Staff member Durfee Daniel explained the original parking was provided at 80 for the original retail building and is now being provided at 48 parking spaces, which is exactly what is required for both buildings on the same site.

*3-h Staff member Joshua Grandlienard did not presented case BOA23-00076 to the Board during study session.

4 Adjournment.

Boardmember Glover moved to adjourn the Study Session and was seconded by Boardmember Reed. Without objection, the Study Session was adjourned at 5:20 p.m.

Respectfully submitted,

Evan Balmer,

On behalf of Zoning Administrator (Mary Kopaskie-Brown)





Board of Adjustment





BOA22-01123





Request

Special Use Permit

To allow for the enlargement of a legal nonconforming residence.







Location

- 105 West 9th Street
- South of W Brown Road
- West of Center Street



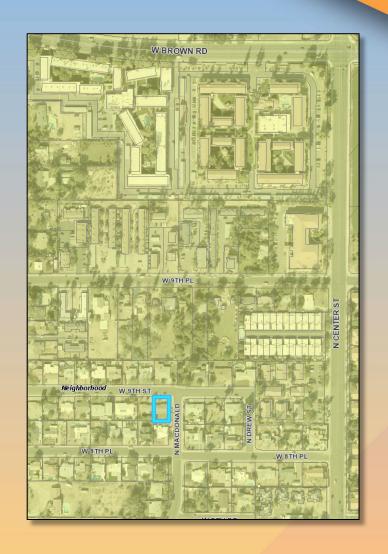




General Plan

Neighborhood

- Safe places for people to live and enjoy the surrounding community.
- Wide range of housing options and associated non-residential uses.







Zoning

- Single Residence-6-Historic District (RS-6-HD)
 - Existing single residence is permitted.
 - Property is legal nonconforming







Site Photo



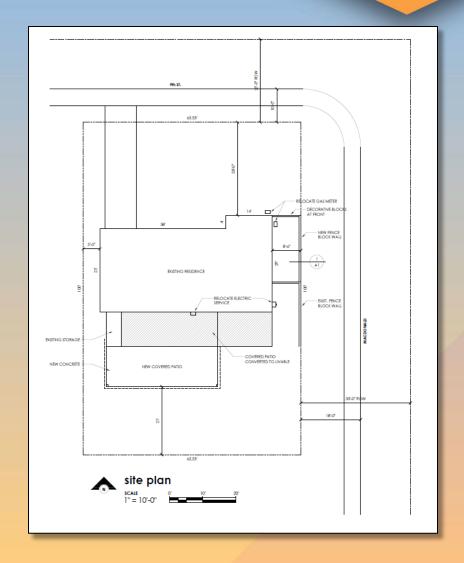
Looking south towards the site from 9th Street





Site Plan

- Required Minimum Setbacks:
 - Internal side: 5-ft.
 - Aggregate of both sides: 15-ft.
 - Street side: 10-ft
- Existing Setbacks:
 - Minimum Internal Side: 5-ft.
 - Aggregate of both sides: 13 ft 6 in
 - Street side: 8 ft 6in



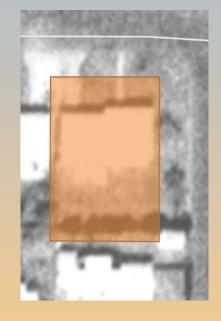




Maricopa County Historical Aerial Photos

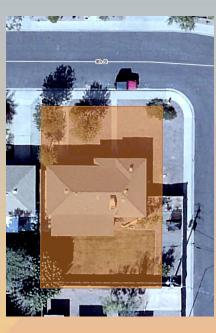
















Citizen Participation

 Notified property owners within 150-ft.







Section 11-70-5 SUP Criteria

- ✓ Project will advance the goals and objectives of the General Plan and other City plan and/or policies;
- ✓ Location, size, design, and operating characteristics are consistent with the purposes of the district where it is located and conform with the General Plan and any other applicable City plan or policies;
- ✓ Project will not be injurious or detrimental to the surrounding properties, the neighborhood, or to the general welfare of the City; and
- ✓ Adequate public services, public facilities and public infrastructure are available.





Findings

✓ Complies with the 2040 Mesa General Plan

✓ Meets the criteria in Section 11-70-5 for a Special Use Permit

Staff recommend Approval with Conditions





BOA22-01323





Request

- Special Use Permit (SUP) to expand a non-conforming structure
- Modification of a SUP to allow a car wash
- Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development
- Allow for the development of a limited service restaurant with drive-thru facilities and a car wash









Location

- 6810 East Guadalupe
 Road
- Northeast corner of Power and Guadalupe Roads



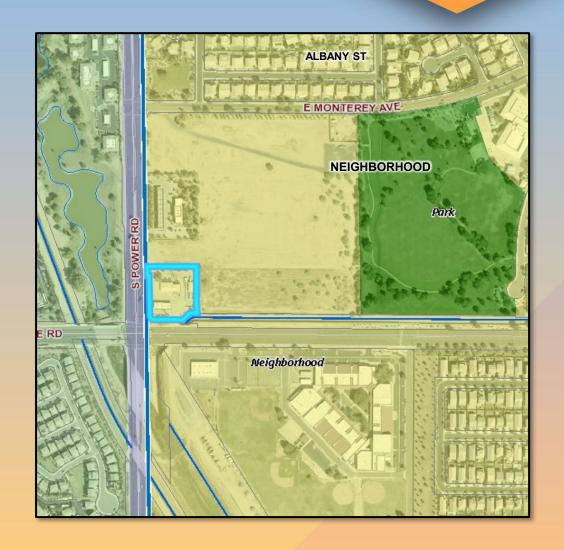




General Plan

Neighborhood

- Safe places for people to live and enjoy the surrounding community.
- Often have associated nonresidential uses
- Nonresidential uses designed to bring people together and not disrupt neighborhoods where people live.







Zoning

- Limited Commercial (LC)
- Limited service restaurant with drive-thru facilities is a permitted use
- SUP is required for a car wash
- November 2, 1999, Board of Adjustment approved a SUP for the existing carwash







Site Photo



Looking north from Guadalupe Road





Site Photo



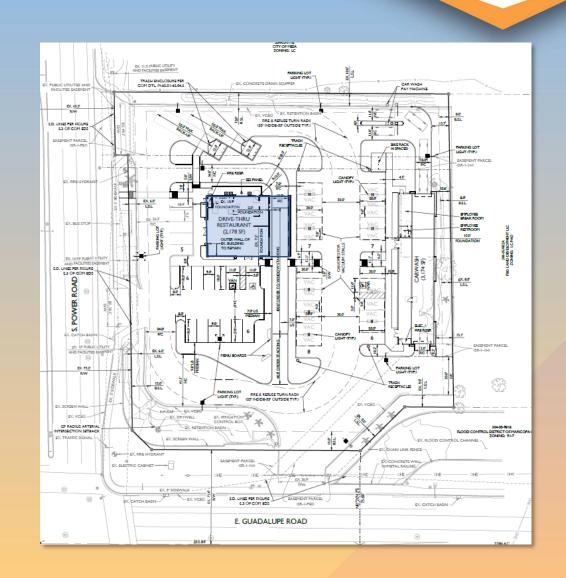
Looking east from Power Road





Site Plan

- Demo service station fuel canopy
- Existing convenience store and lube center redeveloped into a 2,178 SF limited service restaurant with drive thru facilities
- Vehicular access from Power and Guadalupe Roads
- 17 parking spaces provided
- SCIP request for existing nonconforming conditions

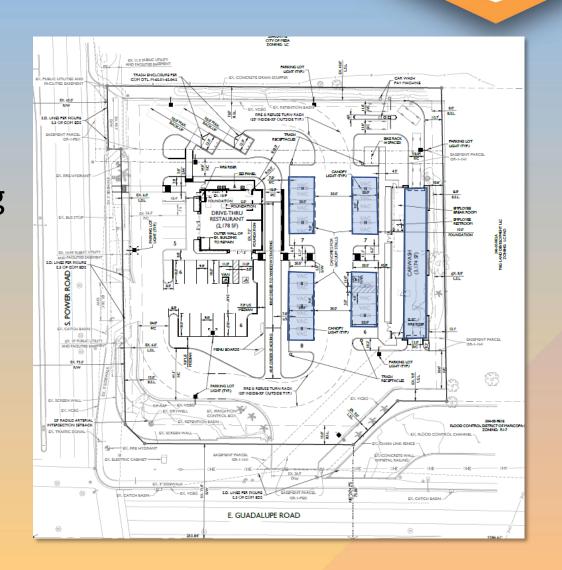






Site Plan

- Car wash expanded from 1,152 SF to 3,174 SF
- SUP request to allow non-conforming 8 ft. building setback and landscape yard along east property
- Modification of SUP for a car wash
- 8 parking spaces and 20 vacuum spaces provided
- SCIP request for existing nonconforming conditions

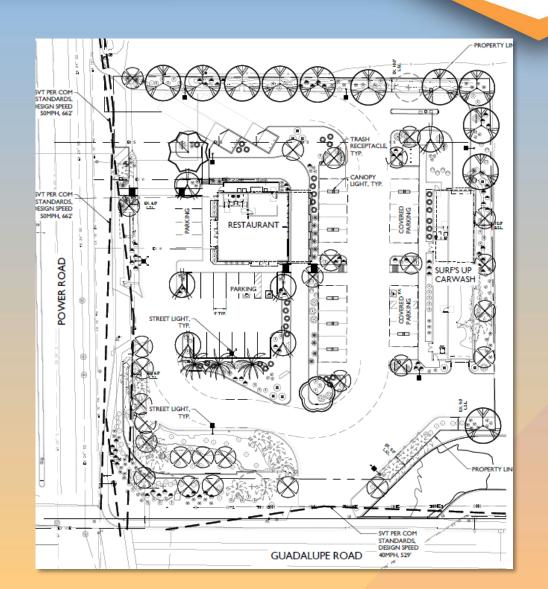






Landscape Plan

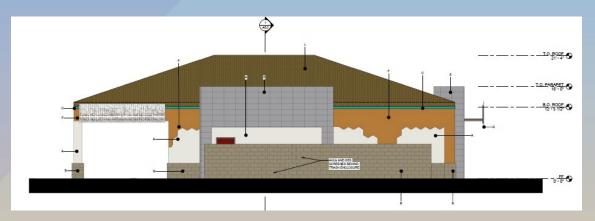
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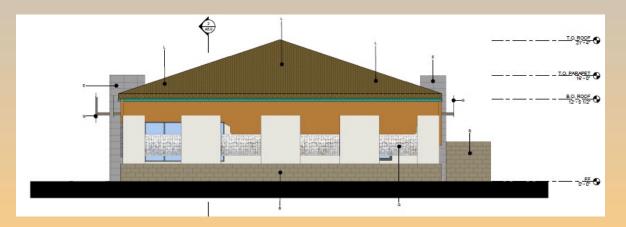




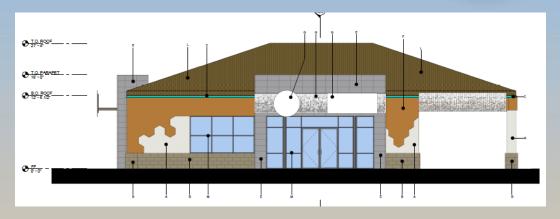
Elevations -- Restaurant



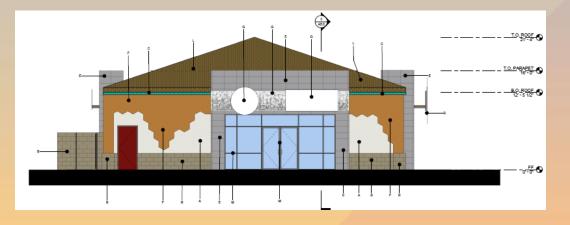
North Elevation



East Elevation



South Elevation



West Elevation

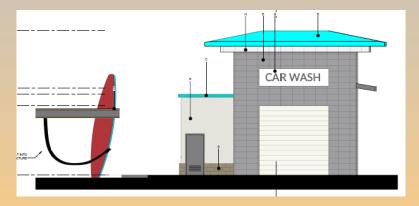




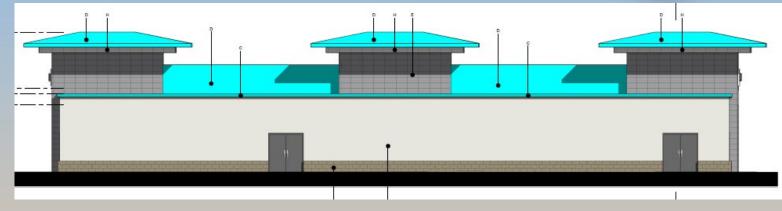
Elevations – Car Wash



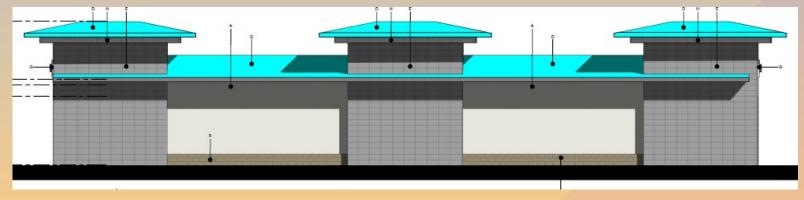
North Elevation



South Elevation



West Elevation



East Elevation





SCIP Development Standards

Development Standard	MZO Requirements	Applicant Proposal
Minimum Setbacks Along Property Lines for Buildings and Parking Areas – Interior Side and Rear: Adjacent to Non- Residential District: [Table 11-6-3.A]		
North property line	15 feet, per story	10 feet (one story)
East property line	15 feet, per story	Eight feet, (one story)
Landscape Yards: [Table 11-6-3.A] Power Road	15 feet	Six feet, minimum
[Section 11-33-4(B)(2)(a)] North property line	15 feet	10 feet, minimum
East property line	15 feet	Eight feet, minimum





SCIP Development Standards

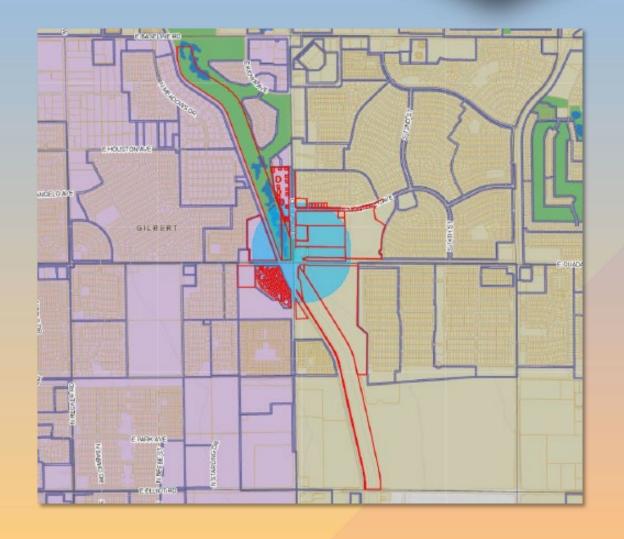
Development Standard	MZO Requirements	Applicant Proposal
Foundation Base — Exterior Walls with a public entrance: Section [11-33-5(A)]		
Restaurant Building: West Elevation	15 feet	10 feet, nine inches
South Elevation	15 feet	Seven feet, five inches, minimum
Setback of Cross Drive Aisles: [Section 11-32-4(A)]		
Power Road	50 feet	Six feet, minimum
Guadalupe Road	50 feet	35 feet, minimum





Citizen Participation

- Notified property owners within 1,000 feet
- Neither staff nor the applicant received any comment.







Approval Criteria

Section 11-70-5 SUP Criteria

- Project will advance the goals and objectives of the General Plan and other City plan and/or policies;
- ✓ Location, size, design, and operating characteristics are consistent with the purposes of the district where it is located and conform with the General Plan and any other applicable City plan or policies;
- Project will not be injurious or detrimental to the surrounding properties, the neighborhood, or to the general welfare of the City; and
- ✓ Adequate public services, public facilities and public infrastructure are available.





Approval Criteria

Section 11-73-3 SCIP Criteria

- Significant alterations to the site would need to occur to bring the site into full conformance with current MZO development standards
- ✓ Full compliance would discourage redevelopment of the site
- ✓ No new non-conforming conditions will be created
- Proposed request is compatible with, and not detrimental to, adjacent properties or neighborhood





Findings

- ✓ Complies with SUP criteria of Section 11-36-7(B) of the MZO
- Complies with Section 11-31-7 of the MZO, additional development standards for a car wash
- ✓ Meets the SUP findings of Section 11-70-5 of the MZO
- ✓ Meets the SCIP findings of Section 11-73-3 of the MZO
- ✓ Complies with the 2040 Mesa General Plan

Staff recommends Approval with Conditions





BOA23-00004





Request

- Substantial Conformance Improvement Permit
 - To allow deviations from certain development

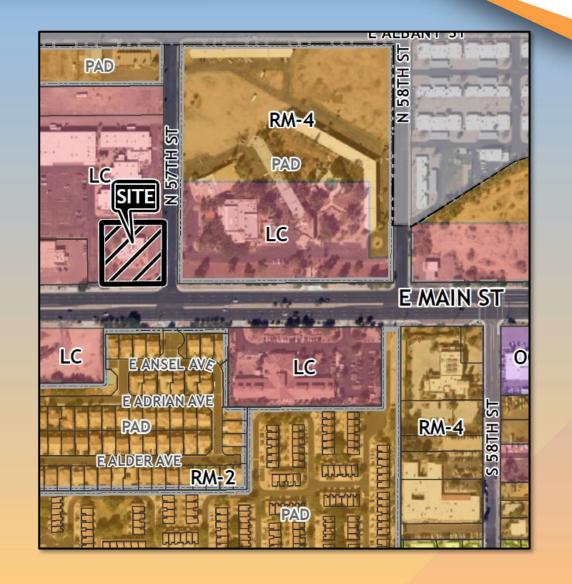






Location

- 5650 East Main Street
- East of Recker Road
- On north side of Main Street



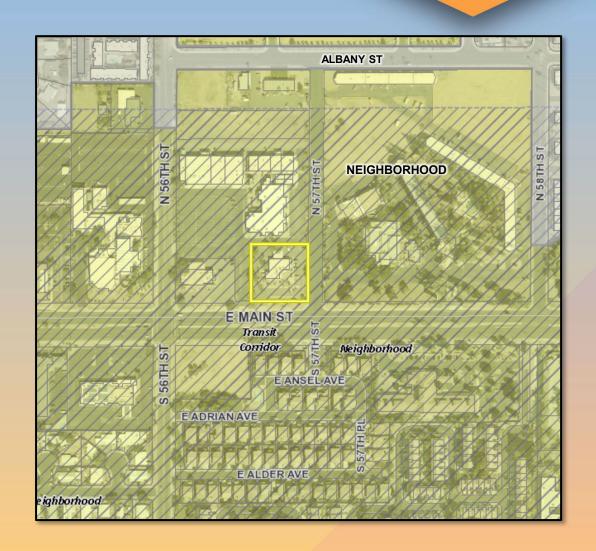




General Plan

Neighborhood with Transit Corridor Overlay

- Safe places for people to live and enjoy the surrounding community.
- Often have associated nonresidential uses
- Nonresidential uses designed to bring people together and not disrupt neighborhoods where people live.

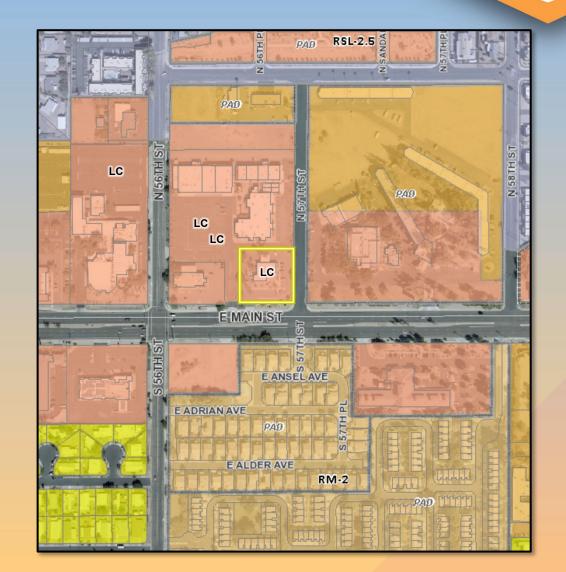






Zoning

- Limited Commercial (LC)
- Funeral Parlor and Mortuary is a permitted use
- Accessory Crematorium requires approval of a Special Use Permit









Looking north from Main Street







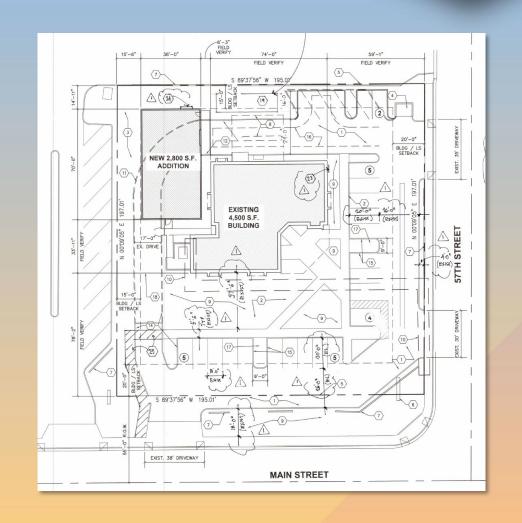
Looking west from 57th Street





Site Plan

- Existing 4,500 SF Funeral Home
- New 2,800 SF accessory crematorium
- Vehicular access from Main and 57th Street
- 21 parking spaces provided
- SCIP request for existing nonconforming conditions

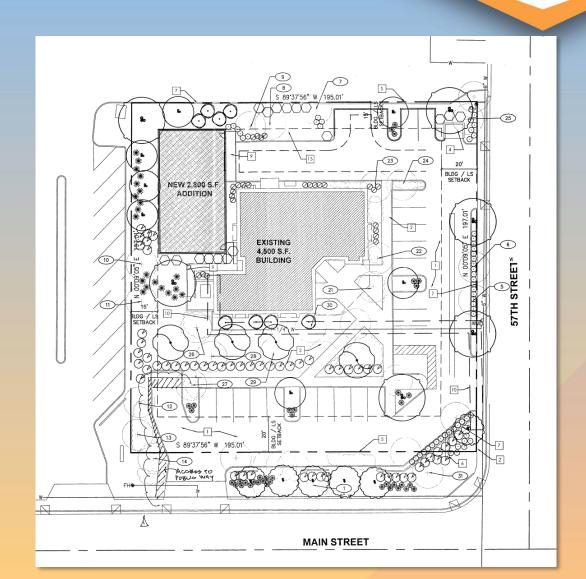






Landscape Plan

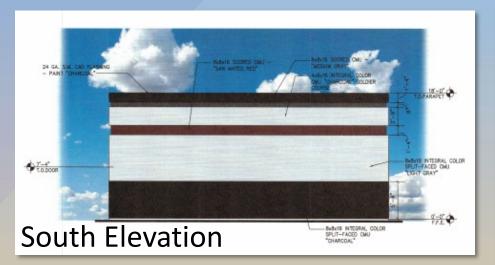
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*	Aloe vera Medicinal Aloe	5 GAL	21	7	
2	Calisa grandifors "tuttle" Creeping Notal plum	5 GAL	36	25	
$\cdot)$	Chilopis linearis Lois Adams' Desert Millow	2F BOX		35	MULTETEM
9	Convolvulus cnearum sush Morning Stary	1 GAL.	54	34	
B	tremophila hygraphona Aussia Suebels	5 GAL	30	35	
\setminus	Laucophylum futescens 'Compact' Pink Nexa Sage	5 GAL	12	30	
Q	Oleci europeci Swon Hill fruitkess Olive	36' BOX	4	100	DRAGNATE
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$\cdot)$	Prosopis chilernis Chileran Mesquite	15 GAL	5	125	MULTISTEM
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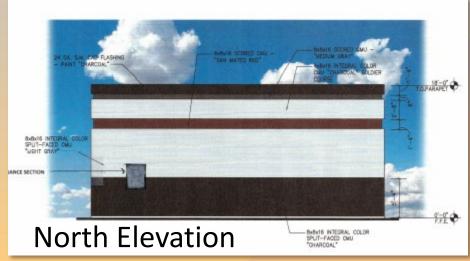


Elevations













SCIP Development Standards

Development Standard	MZO Requirements	Applicant Proposal
Perimeter Landscape Yard – [Table 11-6-3]: 57th Street	20 feet	Four feet minimum
Main Street	15 feet	0 feet
[Section 11-33-3.B.2]: North property line West property line	15 feet	Three feet minimum 12 feet minimum
Parking Lot Landscape Island – [Section 11-33-4.B.2]: East parking area	Landscape islands shall be a minimum of eight feet wide and 15 feet in length	One landscape island with a minimum width of five feet at the north end of the parking row adjacent to the east side of the existing building





SCIP Development Standards

Development Standard	MZO Requirements	Applicant Proposal
Foundation base along an exterior wall with a public entrance — [Section 11-33-5.A.1]: East elevation	15 feet	Nine feet, minimum
Throat Depth – [Section 11-32-4.A]: Main Street drive entrance 57th Street, north and south drive entrance	Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 50 feet from the property line abutting the street.	0 feet minimum Four feet, minimum





Citizen Participation

- Notified property owners within 500 feet
- Neither staff nor the applicant received any comment.







Approval Criteria

Section 11-73-3 SCIP Criteria

- Significant alterations to the site would need to occur to bring the site into full conformance with current MZO development standards
- ✓ Full compliance would discourage redevelopment of the site
- ✓ No new non-conforming conditions will be created
- Proposed request is compatible with, and not detrimental to, adjacent properties or neighborhood





Findings

- ✓ Complies with the 2040 Mesa General Plan
- ✓ Meets the SCIP findings of Section 11-73-3 of the MZO

Staff recommends Approval with Conditions





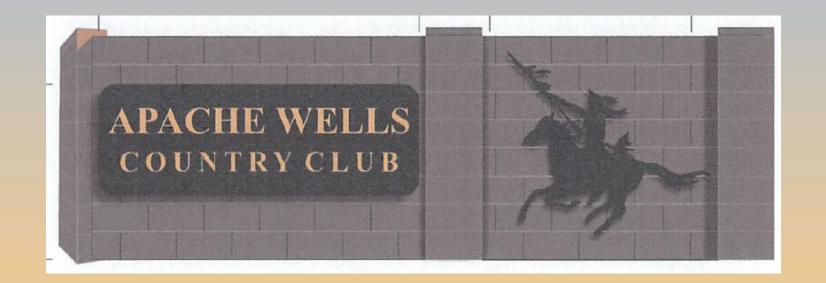
BOA23-00179





Request

Special Use Permit for a Comprehensive Sign Plan







Location

- Within the 2700 block of North Higley Road and the 5200 block of East McDowell Road
- Located south of East McDowell Road
- Located east of North Higley Road







Zoning

- Site is currently zoned RS-7 PAD
- Permitted uses within the RS-7 zoning district



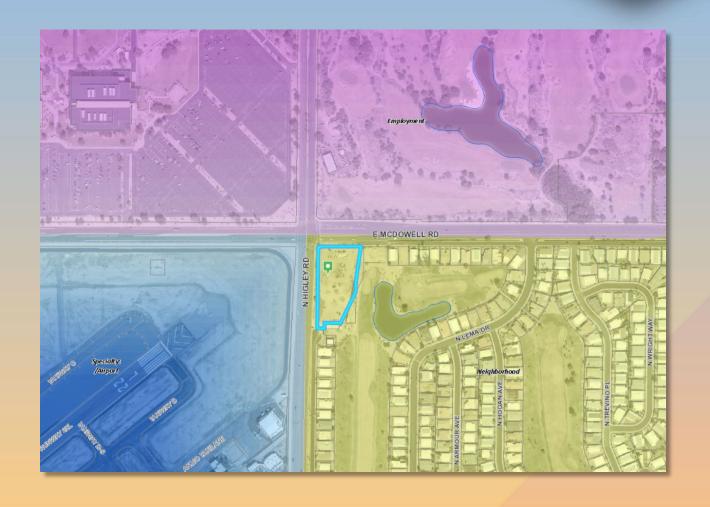




General Plan

Neighborhood

 To provide safe places for people to live where they can feel secure and enjoy their surrounding community









Looking south from McDowell Road







Looking northeast from McDowell Road and Higley Road Intersection







Looking northwest from McDowell Road







Looking southwest from McDowell Road and Higley Road Intersection





Proposed CSP

Requested Modifications:

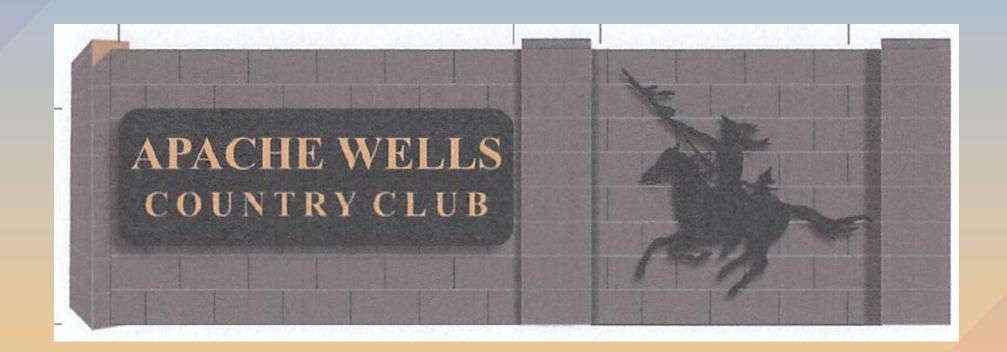
 Increased maximum area and number of signs for two attached signs







Proposed CSP

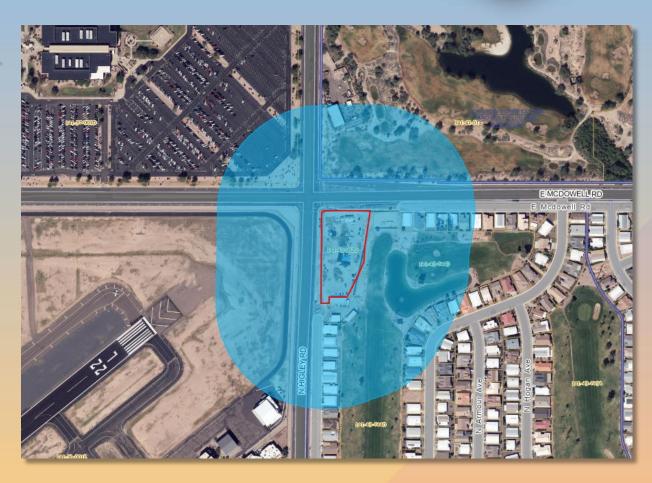






Citizen Participation

- Notified property owners within 500 feet, HOAs and registered neighborhoods
- No Comments received







Approval Criteria

Section 11-46-3.D CSP Criteria

- ✓ The site contains unique or unusual physical conditions that would limit or restrict normal sign visibility.
- ✓ The development exhibits unique characteristics of land use, that represent a clear variation from conventional development.
- ✓ The proposed signage incorporates special design features that reinforce or are integrated with the building architecture.





Approval Criteria

Section 11-70-5.E SUP Criteria

- Project will advance the goals and objectives of the General Plan and other City plan and/or policies;
- ✓ Location, size, design, and operating characteristics are consistent with the purposes of the district where it is located and conform with the General Plan and any other applicable City plan or policies;
- Project will not be injurious or detrimental to the surrounding properties, the neighborhood, or to the general welfare of the City; and
- ✓ Adequate public services, public facilities and public infrastructure are available.





Findings

- ✓ Complies with the Mesa 2040 General Plan
- ✓ Meets the CSP criteria of Section 11-46-3.D of the MZO
- ✓ Meets the SUP findings of Section 11-70-5.E of the MZO

Staff recommends Approval with Conditions





BOA23-00289





Request

- Special Use Permit
 - Build new garage within rear setback
- Variance
 - 1 car garage
 - Build addition within front setback

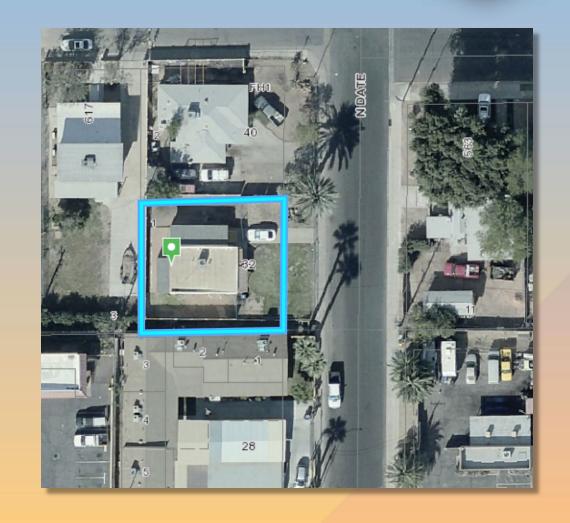






Location

- West of Date Street
- North of West Main Street







General Plan

Neighborhood

Safe places to live and work

Transit Corridor

 Mixed-use development within walking distance of transit stops







Zoning

Multiple-Residence-2 (RM-2)

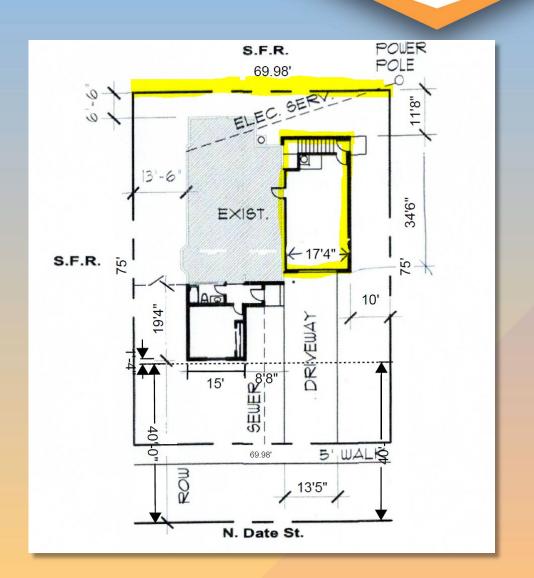






Site Plan

- Special Use Permit for new garage
 - Within 15' rear setback
 - Further from the rear property line than the addition
- Variance to replace 1-car carport with new 1-car garage
 - Requiring 2-car garage would encroach on side setback

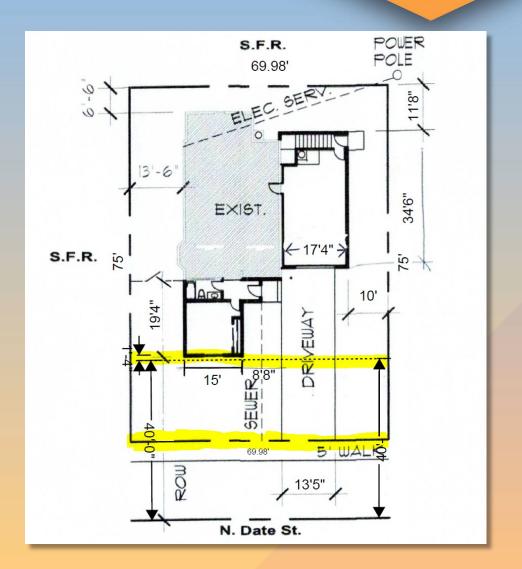






Site Plan

- Variance for bedroom addition to front of residence
 - Within 20' front setback
 - Existing right-of-way is 40'









Existing addition looking north



Existing addition looking south





Section 11-70-5 SUP Criteria

- Project will advance the goals and objectives of the General Plan and other City plan and/or policies;
- ✓ Location, size, design, and operating characteristics are consistent with the purposes of the district where it is located and conform with the General Plan and any other applicable City plan or policies;
- ✓ Project will not be injurious or detrimental to the surrounding properties, the neighborhood, or to the general welfare of the City; and
- ✓ Adequate public services, public facilities and public infrastructure are available.





Section 11-80-3 Variance

- ✓ There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, and
- ✓ That such special circumstances are pre-existing, and not created by the property owner or appellant; and
- ✓ 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; and
- ✓ 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.





Citizen Participation

- Notified property owners within 150', HOAs and registered neighborhoods
- Staff and applicant have received no comments







Findings

✓ Complies with the 2040 Mesa General Plan

✓ Criteria in Chapter 70 for SUP

✓ Criteria in Chapter 80 for VAR

Staff recommend Approval with Conditions





BOA23-00307





Request

- Substantial Conformance Improvement Permit
 - To allow deviations from certain development







Location

- North of Baseline Road
- On the west side of Country Club Drive







General Plan

Mixed Use Activity District/Transit Corridor

- Strong and viable centers of commercial activity
- Attract people to unique shopping and entertainment experiences
- Mixed-use, pedestrian-oriented, urban environment, particularly within walking distance of transit stops







Zoning

- General Commercial (GC)
- Restaurant with drive-thru is permitted







Site Photo



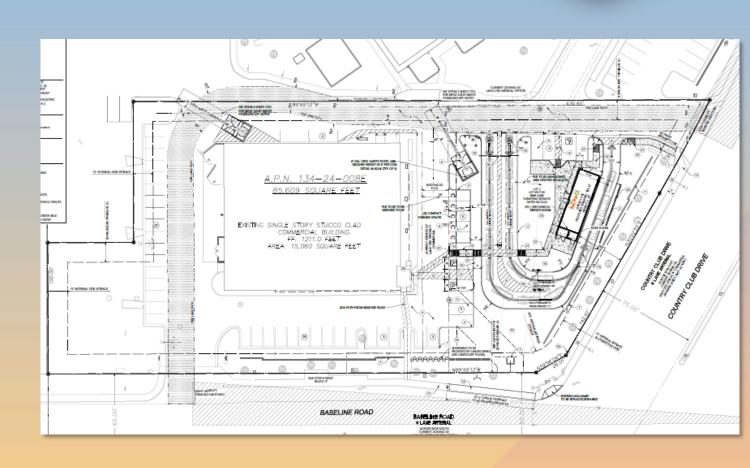
Looking northeast from Baseline Rd





Site Plan

- 783 sq ft restaurant building with drive-thru
- Pedestrian link with sidewalk
- Vehicular access off Country Club Dr and Baseline Rd
- SCIP request for existing nonconforming conditions



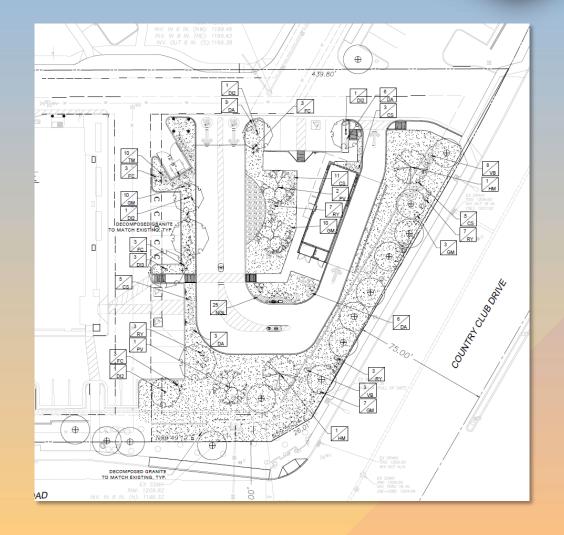




Landscape Plan

QTY	LABEL	COMMON NAME	SCIENTIFIC NAME	SIZE	NOTES
		SHADE TREES			
4	DI2	Desert Ironwood	Olneya tesota	24" tree box	10' ht., 3' spread, matching
3	DI3	Desert Ironwood	Olneya tesota	36" tree box	12' ht., 4' spread, matching
2	HM	Honey Mesquite	Prosopis glandulosa	36" tree box	12' ht., 4' spread, matching
3	PV	Palo Verde	Parkinsonia florida	24" tree box	10' ht., 3' spread, matching
		SHRUBS			
14	CS	Chihuahuan Sage	Leucophyllum laevigatum	5 gal.	full, 24" sprd, 36" o.c.
18	DA	Damianita	Chrysactina mexicana	5 gal.	full, 24" o.c.
15	FC	Firecracker Plant	Russelia equisetiformis	5 gal.	full, 24" o.c.
30	GM	Gulf Muhly "Regal Mist"	Muhlenbergia capillaris	5 gal.	full, 30" o.c.
20	RY	Red Yucca	Hesperaloe parvifolia	5 gal.	full, 24" sprd, 30" o.c.
10	TM	Twisted Myrtle	Myrtus communis	7 gal.	full, 30" sprd, 48" o.c.
11	VB	Valentine Bush	Eremophila maculata 'Valentine'	5 gal.	full, 24" sprd, 36" o.c.
		GROUNDCOVER/VINES/GRASS			
25	NGL	New Gold Lantana	Lantana x hybrida 'New Gold'	5 gal.	full, 24" o.c.
		Decomposed Granite	•	-	
		2-4" River Rock			

a strong central leader and be of matching specimens. All plant material shall meet or exceed remarks as indicated.







Elevations









South Elevation





Elevations





West Elevation

North Elevation





SCIP Development Standards

Development Standard	MZO Requirements	Applicant Proposal
Foundation Base: [Section 11-33-5.A.1] Existing commercial building east side (with Public Entrance)	A minimum 15-foot-wide foundation base shall be provided, measured from face of building to face of curb along the entire length of the exterior wall with public entrance A minimum 5-foot-wide foundation base shall be	A minimum of 12.9-foot-wide foundation base along the length of the east exterior wall
Existing commercial building south side (along drive aisle)	provided, measured from face of building to face of curb along the entire length of the exterior wall adjacent to drive aisles	A minimum 4-foot-wide foundation base along the length of south exterior wall
Throat Depth: [Section 11-32-4.A] Existing south entrance	Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 50 ft from the property line abutting the street.	36.4 feet





SCIP Development Standards

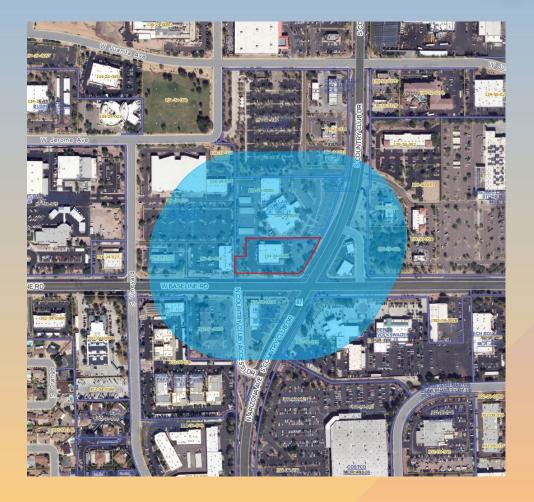
Development Standard	MZO Requirements	Applicant Proposal
Screen Walls: [Section 11-30-9.H.1] Existing screen wall along Country Club Drive Existing screen wall along Baseline Road	Screen walls shall vary in height from 32 to 40 inches and shall be offset or staggered by at least 24 inches at intervals of no more than 50 feet	A 96.8 ft section of wall without a variance of height or stagger A 86.8 ft section of wall without a variance of height or stagger
Parking Lot Landscaping: [Section 11-33-4.B.1] Existing parking spaces along Baseline Road Existing parking spaces along the west side of the parcel	Parking lot landscape islands shall be installed at each end of a row of stalls and in between for maximum 8 contiguous parking spaces.	Maximum 10 contiguous parking spaces. Maximum 17 contiguous parking spaces.





Citizen Participation

- Notified property owners within 500 feet
- Neither staff nor the applicant received any comment.







Approval Criteria

Section 11-73-3 SCIP Criteria

- Significant alterations to the site would need to occur to bring the site into full conformance with current MZO development standards
- ✓ Full compliance would discourage redevelopment of the site
- ✓ No new non-conforming conditions will be created
- Proposed request is compatible with, and not detrimental to, adjacent properties or neighborhood





Findings

- ✓ Complies with the 2040 Mesa General Plan
- ✓ Meets the SCIP findings of Section 11-73-3 of the MZO

Staff recommends Approval with Conditions





Board of Adjustment