



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

June 5, 2019

CASE No.: BOA19-00272	CASE NAME: Brown Road Baptist Church CSP and Variance
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Property Owner:	Brown Road Baptist Church
Applicant's Name:	Frank Quinn, Brilliant LED Signs, LLC
Location of Request:	4801 E. Brown Road
Parcel Nos:	140-01-521D
Nature of Request:	Special Use Permit (SUP) to allow for the establishment of a Comprehensive Sign Plan (CSP) and a variance to allow a detached sign to be placed in the future width line of the right-of-way
Zoning District:	Single Residence (RS-9)
Council District:	2
Site Size:	6.2 ± acres
Proposed Uses:	Church
Existing Use:	Church
Hearing Date(s):	June 5, 2019 / 5:30 p.m
Staff Planner:	Veronica Gonzalez
Staff Recommendation:	APPROVAL with 4 Conditions

HISTORY

On February 11, 2003, the Board of Adjustment approved a Special Use Permit for a day care center and a Substantial Conformance Improvement Permit to accommodate an expansion that included a new education building and additional parking spaces for a place of worship.

PROJECT DESCRIPTION

Background

The request is for a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) to allow a new detached sign with an electronic message display and increased sign area for an existing church.

The request also includes a variance to allow the new detached sign to be placed in the future right-of-way of Brown Road.

The church is located on property that is zoned RS-9. Per Table 11-43-3(A) of the Mesa Zoning Ordinance (MZO), non-residential uses allowed to operate in a single residence zoning district are permitted to have one non-illuminated sign (attached or detached) with up to 32 square feet of sign area and a maximum height of eight feet. The purpose of the CSP request is to create a customized sign plan for a church. Specifically, the CSP request is to allow a new 48 square foot, eight-foot tall detached sign that includes an electronic message display on the property. The new detached sign consists of significant architectural elements from the building on the property and will replace an existing 26 square foot sign already constructed. The applicant proposes to construct the new detached sign within the future right-of-way of Brown Road. Per Section 11-47-7 of the MZO, the sign owner must obtain a variance, enter into a sign agreement with the City and provide a certificate of insurance, as required by the City, to place a sign within a future right-of-way. The existing detached sign on the property is currently located in a retention basin and is approximately 32’ behind the face of curb on Brown Road. The existing sign also has limited visibility from Brown Road. This is due to the number of mature trees existing along the property’s street frontage.

General Plan Character Area Designation and Goals

The Mesa 2040 General Plan character area designation for this site is Neighborhood Suburban. Per Chapter 7 of the City’s General Plan, churches and places of worship are non-residential land uses commonly associated with residential neighborhoods. The existing church is consistent with the character area designation.

Site Characteristics:

The existing site includes approximately 53,000 square feet of building space area on a ±6.2 acre property. The property has significant street frontage, approximately 437.97 feet on Brown Road. Brown Road is classified as a four-lane arterial. There is no other visible signage that can be seen beyond the boundaries of the site.

Surrounding Zoning Designations and Existing Use Activity:

<p style="text-align: center;">Northwest (Across Brown Road and 48th Street) RS-9 Existing Residential</p>	<p style="text-align: center;">North (Across Brown Road) RS-7 Existing City of Mesa Retention Basin</p>	<p style="text-align: center;">Northeast (Across Brown Road) RS-6 PAD Existing Residential</p>
<p style="text-align: center;">West (Across 48th Street) RS-7 PAD Existing Residential</p>	<p style="text-align: center;">Subject Property RS-9 Church</p>	<p style="text-align: center;">East OC PAD Existing Medical Office</p>
<p style="text-align: center;">Southwest (Across 48th Street) RS-7 PAD Existing Residential</p>	<p style="text-align: center;">South RS-9 Existing Residential</p>	<p style="text-align: center;">Southeast (Across Rochester) RS-9 Existing Residential</p>

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-46-3(D) of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find the following criteria are met for approval of a CSP:

1. The development site contains unique or unusual physical conditions, such as topography, proportion, size, or relation to a public street that would limit or restrict normal sign visibility; or

The development site contains several mature trees that may limit normal sign visibility.

2. The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest, or other distinguishing features that represent a clear variation from conventional development; or

The church exhibits unique characteristics of land use and architectural style that distinguish it from conventional residential development. Currently, the Mesa Zoning Ordinance allows churches located in single residence districts to have a detached non-illuminated sign. The location and use of the property as a church in an RS-9 district is unique from typical residential uses in the RS-9 district and represent a clear variation for a conventional residential use in the district.

3. The proposed signage incorporates special design features such as lighting, materials and craftsmanship, murals, or statuary that reinforce or are integrated with the building architecture.

The 19" embellishment at the top of the sign incorporates the most prominent architectural feature of the church building.

Per Section 11-70-5(E) of the City of Mesa Zoning Ordinance, the Board of Adjustment shall also find the following criteria are met for approval of a SUP:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;

The site is located in the Neighborhood Suburban character area of the Mesa 2040 General Plan. The existing use is allowed in the character area and electronic message display signage are common signs utilized by churches.

2. The location, size, design, and operating characteristics of the proposed project 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;

The existing church use conforms to the land use regulations of the RS-9 District and the General Plan character type designation. The proposed CSP is consistent with the location, design and operating characteristics of the church.

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and

The proposed CSP will not be detrimental to adjacent or surrounding properties as the electronic message display panel shall conform to the standards for message display and lighting controls outlined in Section 11-43-5 of the MZO. In addition, the sign will be located along the arterial street frontage and will not impact adjacent residential developments.

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

The property is currently served by existing City of Mesa utilities and public infrastructure.

Per Section 11-80-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on variances that:

1. There are special circumstances applicable to the property, including its size, shape, topography, location, or surrounding;

The parcel was created in 1985 with the recording of the final plat for Northpoint IV. At the time of recordation, the ultimate right-of-way width was 55'. After the church was constructed in the mid-1980's, the future right-of-way width was increased to 65'.

2. That such special circumstances are pre-existing, and not created by the property owner or appellant;

The requirement to increase the future right-of-way width from 55' to 65' was required by the City, not the property owner.

3. 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

Section 11-43-2(C)1.d requires detached signs adjacent to streets with three or more lanes be located at least 15' from the face of curb. Strict application of the MZO would deprive the property of privileges currently enjoyed by other non-residential uses along Brown Road. The new detached sign will be placed 19.5' behind the face of curb, which is consistent with other non-residential uses in the area.

4. 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.

The variance request would not constitute a grant of special privilege as there are two existing detached signs located within the future width line of the right-of-way on the adjacent non-residential development to the east.

Findings

- A. The proposed CSP does not include attached signage.
- B. The proposed CSP does not include any signage along 48th Street.
- C. The proposed sign criteria within the CSP is tailored to this specific land use and enhances the development of the property.
- D. The proposed electronic message display is located approximately 19.5' from the face of curb on Brown Road.
- E. The future right-of-way width requirement increased from 55' to 65' after the property was developed in the mid-1980's.
- F. The existing detached signs for the adjacent commercial development are currently located within the future right-of-way of Brown Road.
- G. The proposed CSP modifications meet the criteria outlined in Section 11-46-3(D) of the MZO for approval of a CSP. The CSP is tailored to the land use and incorporates elements of the building architecture in the sign design.
- H. The proposed CSP modifications meet the criteria outlined in 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 use complies with the RS-9 zoning district, the CSP will not be injurious or detrimental to adjacent or surrounding properties.
- I. The site has adequate public services.
- J. The proposal conforms to the required findings for granting of a variance outlined in Section 11-80-3 of the MZO. The future right-of-way width was increased after the site was developed, the 65' future right-of-way width is required by the City.
- K. Two existing detached signs for non-residential development in the vicinity are placed within the future right-of-way.

Neighborhood Participation Plan and Public Comments

The applicant sent required notification letters to all property owners within 500' of the site. As of the writing of this report, staff has not been contacted by any resident to express support or opposition to the request.

Staff Recommendations:

The proposed CSP conforms to the review criteria for Comprehensive Sign Plans outlined in Section 11-46-3 of the MZO, the review criteria for a Special Use Permit outlined in Section 11-70-5 of the MZO, and the required findings for granting a variance outlined in Section 11-80-3 of the MZO. Therefore, staff recommends approval of the request with 4 conditions:

Conditions of Approval;

1. Compliance with the site plan and sign plan details.
2. Compliance with Mesa Zoning Ordinance Section 11-43-5 pertaining to electronic message panels.
3. Compliance with Mesa Zoning Ordinance Section 11-47-7 pertaining to signs placed in the future right-of-way.
4. Compliance with all requirements of the Development Services Department in the issuance of sign permits.