



PLANNING DIVISION  
STAFF REPORT

Board of Adjustment

August 7, 2024

CASE No.: <b>BOA24-00452</b>	CASE NAME: <b>The Nile Theater Marquee</b>
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Owner’s Name:	CK Properties, LLC
Applicant’s Name:	Darshan Dawson, Arizona Commercial Signs
Location of Request:	105 West Main Street
Parcel Nos:	138-42-046
Nature of Request:	Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan in the Downtown Core with a Downtown Events overlay and a Historic Landmark overlay (DC-DE-HL) District
Zone District:	Downtown Core with a Downtown Events overlay and a Historic Landmark overlay (DC-DE-HL)
Council District:	4
Site size:	0.2± acres
Existing use:	Commercial Building
Hearing date(s):	<b>August 7, 2024 / 5:30 p.m.</b>
Staff Planner:	Emily Johnson, Planner I
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **July 14, 1883**, this property became part of the original square mile of the City of Mesa (Ordinance No. 1).

On **September 8, 1987**, the City Council approved the Town Center zoning districts and development regulations for the Mesa Town Center area (Case No. Z87-040; Ordinance No. 2254).

On **August 8, 2017**, the Design Review Board reviewed a request to remove a colonnade in front of the building and remove the 1960 stucco façade. The improvement at the project site included the installation of a new canvas awning and painted sign on the north elevation (Case No. DRB17-00121).

On **August 28, 2023**, the City Council approved a rezone of the project site from Downtown Core with a Downtown Events Overlay (DC-DE) to Downtown Core with a Downtown Events Overlay and a Historic Landmark Overlay (DC-DE-HL) (Case No. ZON23-00384; Ordinance No. 5804).

On **June 13, 2024**, the Historic Preservation Officer issued a Certificate of Appropriateness (Historic Clearance) for the project site in regard to the marquee sign proposed in BOA24-00452 (Case No. ADM24-00427).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) for an existing commercial building in the DC-DE-HL zoning district. The requested CSP would allow for modifications to attached permanent signage allowed per the City of Mesa Sign Ordinance for the 0.2± acre property.

In 2023, the project site was designated a Historic Landmark with the approval by City Council of Case No. ZON23-00384. Per Section 11-74-3 of the MZO, activities, such as, but not limited to, changes to or installation of items, including signs, to be performed on or in connection with any building, structure, site, included in an HD or HL Overlay District shall require a Certificate of Appropriateness. The applicants applied for and received a Certificate of Appropriateness on June 13, 2024, for the proposed exterior alternations approved by the Historic Preservation Officer.

### **General Plan Character Area Designation and Goals:**

The General Plan Character Area designation on the project site is Downtown with a Transit Corridor overlay of Station Area. Per the General Plan, the focus of the Downtown Character Area is the creation of a pedestrian oriented, transit-rich environment with a lot of activity. Transit Corridors with Station Area sub-types are intended to have more intense development than the associated corridor and is expected to transition into an urban building form. Buildings are expected to have active first floor uses that engage the street and create an interesting and active street environment.

The project site is also located within the Central Main Street Area Plan, specifically the Historic Downtown area. The intent of this area is to maintain the historic character of the original commercial core of Downtown with low- to mid-rise vertically mixed-use developments. The Central Main Street Area Plan recognizes the influence of specialized signage, street design, public realm amenities, view corridors, and public and private art in the creation of distinctive places to help with the overall goal of creating the memorable places of today and the historic districts of tomorrow. Another goal of the plan is to provide flexibility in development and redevelopment that encourages and allows the creativity necessary to construct iconic buildings, landmarks, and places and it is policy to consider creative signage as a way to create distinctive places.

**Site Characteristics:**

The project site is located south of Main Street and west of MacDonald within the Downtown Pedestrian Area.

Per the applicant’s narrative, the Nile Theater is a rectangular form building split into two parts: a first story storefront and an upper story. The narrative states that the theater was built in 1924 from local Lehi brick and styled with Egyptian motifs. The business owner seeks to recognize the theater’s history with the proposed marquee sign which will replace the existing canvas awning approved in 2017 per DRB17-00121.

Existing wall signs and windows signs on the north and south elevations of the building are also included in this CSP request.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> (Across Main) DC-DE Commercial Building	<b>North</b> (Across Main) DC-DE Commercial Building	<b>Northeast</b> (Across Main and MacDonald) DC-DE Commercial Building
<b>West</b> DC-DE Commercial Building	<b>Subject Property</b> DC-DE-HL The Nile Theater Restaurant and Theater	<b>East</b> DC-DE OneOhOne Commercial Building
<b>Southwest</b> (Across Main Street Alley) DC-DE Parking Lot	<b>South</b> (Across Main Street Alley) DC-DE Commercial	<b>Southeast</b> (Across Main Street Alley and MacDonald) DC-DE Parking Lot

**Mesa Zoning Ordinance Requirements and Regulations:**

The subject CSP proposes one new 209.11 square foot marquee with 90.08 square feet of sign area including an electronic message panel on the north elevation. The marquee sign is identified in the Proposed Sign Matrix within Exhibit 5 – Comprehensive Sign Plan.

Per Table 11-43-3-F of the MZO, sites located in the DC district within the Downtown Pedestrian Area (DPA) are permitted one marquee sign per street frontage. The sign area is permitted to be 60% of the face of the marquee and the sign length is permitted to be 60% of the marquee length. The sign area of the marquee is 43.1% of the overall marquee. The overall length of the marquee is 36’-8”, when all three sides are combined, and the length of the text is 28’ putting it at 76.36% the length of the marquee. Per Section 11-43-5 of the MZO, permanent signs may use electronic message panels, when the panel is not considered animated.

In addition, the project site includes one 48.2 square foot painted wall sign and two 4.38 square foot wall signs on the north elevation fronting Main Street. The south elevation along the Main Street Alley includes one 11.97 square foot painted wall sign and two 4.38 square foot wall signs. These signs are listed in the Existing Wall Sign Matrix within Exhibit 5 – Comprehensive Sign Plan.

Per Table 11-43-3-F of the MZO, single-occupancy buildings are permitted a maximum of one wall sign per street frontage and one per alley frontage. The CSP includes six total wall signs, three along the street frontage and three along the alley frontage. The maximum allowance for sign area is calculated at one square foot of sign area per linear foot of street frontage, up to a maximum of 40 square feet, and one half a square foot of sign area per linear foot of alley frontage up to a maximum of 20 square feet. The total area for the wall signs along Main Street is 56.96 square feet and the total area for wall signs along the Main Street Alley is 20.73 square feet. The maximum sign length is 50% of the building which is 50'-6". The largest wall sign is on the north elevation and is 8'-6" wide, only 16.83% of the width of the building. The height of said wall sign is 2'-2" below the parapet and 30'-2" from grade which does deviate from the code which states that the placement of wall sign may be placed no higher than 4-feet below the top of the building or 25-feet from grade, whichever is less.

Window signs are also included as part of the subject CSP. One 3.92 square foot window sign and two 1.32 square foot window signs are on the north elevation along Main Street and two 1.32 square foot window signs are included on the south elevation along the Main Street Alley. These signs are listed in the Existing Wall Sign Matrix within Exhibit 5 – Comprehensive Sign Plan, listed below.

Per Table 11-43-3-F of the MZO, one window sign is permitted with a maximum area sign area of 30% of the window. Five window signs are being requested as part of the CSP proposal, three window signs on the north elevation totaling 6.52 square feet, 2.5% of the front windows, and two on the south elevation totaling 2.64 square feet, 8.25% of the back windows.

Table 1 below shows the sign allowances provided in the MZO, and the proposed signage requested with this Comprehensive Sign Plan. The requested deviations are in **bold** font.

**Table 1: Proposed Attached Sign Criteria**

Sign Type	MZO Requirements	Proposed	Staff Recommendation
Wall Sign (Single-Occupancy)	<u>MZO Section 11-43-3.F:</u> 1 per street frontage and 1 per alley frontage  1 sq. ft. of sign area per linear foot of street frontage up to a max of 40 sq. ft.  ½ sq. ft. of sign area per linear foot of alley frontage up to a max of 20 sq. ft.	<b>3 signs per street frontage (Main Street) and 3 per alley frontage (Main Street Alley)</b>  <b>56.96 sq. ft</b>  <b>20.73 sq. ft.</b>	As Proposed

	No higher than 4-feet below the top of the building or 25-feet from grade, whichever is less	<b>2'-2" from the top of the parapet, 30'-2" from grade (existing wall sign)</b>	
Marquee Sign	<u>MZO Section 11-43-3.F:</u> Max sign length is 60% of the length of the marquee	<b>Max sign length is 76.36% of the length of the marquee</b>	As Proposed
Window Sign	<u>MZO Section 11-43-3.F:</u> Max 1 sign	<b>6 signs</b>	As Proposed

**Comprehensive Sign Plan MZO Section 11-46-3(D):**

Per Section 11-46-3(D) of the MZO, the Board of Adjustment may approve a comprehensive sign plan if the plan conforms to the required findings in 11-70-5 of the MZO and upon a finding that:

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 proposal does not meet this criterion.*

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

**Per the narrative, the owner seeks to recognize, retain, and preserve the unique architectural character of the building and its brick façade through the addition of a marquee sign comparable to the former marquee originally installed in 1924.**

*The proposal meets this criterion.*

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

**Per the project narrative, the proposed marquee sign faces will feature engraved Egyptian hieroglyphics as a nod to the original Egyptian-themed Nile Theater. The proposed sign also includes Art Deco lettering that mimics the look of traditional neon and internally illuminated accent columns attached to the front corners of the frame featuring hand-carved, decorative finial post caps.**

*The proposal meets this criterion.*

**Special Use Permit MZO Section 11-70-5**

Per Section 11-70-5(E) of the MZO, 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 within the Downtown Character Area of the General Plan and is within the Central Main Street Area Plan. The intent of this area is to be pedestrian friendly and to create an interesting and active street environment. The proposed CSP includes a new marquee sign with illumination facing Main Street which will help the Nile Theater to continue to activate the downtown area.**

***The proposal meets this criterion.***

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 proposed project is located in the DC-DE-HL district. Per the narrative, the business owner seeks to recognize, retain, and preserve the unique architectural style and vintage character of the building and the approval of the distinctive marquee sign will help to bring fruition to that vision and add historic interest to the area.**

***The proposal meets this criterion.***

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

**There will be no injurious or detrimental impact to surrounding properties, neighborhood or general welfare of the City with the proposed modifications in signage. The business owner has signed a written certification indicating that they will abide by the provisions of the sign code, Sections 11-41-3(B) and 11-41-7(C) regarding sign illumination.**

***The proposal meets this criterion.***

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

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

***The proposal meets this criterion.***

**Findings:**

- A. Other than the modifications listed in the proposed CSP, the signage will comply with Table 11-43-3-F and other applicable sections of the MZO.
- B. The proposed CSP provides modifications to the standard sign code allowances and design criteria to further activate downtown and to recognize the historical nature of the site.
- C. The subject property is located in the DC-DE-HL district, within the Downtown character area with a Transit Corridor overlay of Station Area per the 2040 General Plan and within the Central Main Street Area Plan.
- D. The proposed CSP advances the goals and objectives of the General Plan and character area by contributing to an active and engaging environment.
- E. The proposed CSP will not be injurious or detrimental to the surrounding properties.

**Neighborhood Participation Plan and Public Comments:**

The applicant mailed the required notification letters to all property owners within 500 feet of the subject property. As of the date of this report, the applicant and staff have been contacted by the neighbor to the east, who was concerned about a mural sign originally proposed on the Nile building's parapet facing east, above the neighboring building. The applicant and business owner worked with the neighbor and amended their application to remove this mural, which addressed the neighbor's concerns.

**Staff Recommendation:**

Based on the application received and preceding analysis, staff finds the proposed CSP conforms to the review criteria for Comprehensive Sign Plans outlined in Section 11-46-3 of the MZO and the required findings for a Special Use Permit outlined in Section 11-70-5 of the MZO; therefore, staff recommends approval with the following conditions.

**Conditions of Approval:**

- 1. Compliance with the sign plan documents submitted.
- 2. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
- 3. All illuminated signs are subject to Section 11-41-3 of the Mesa Zoning Ordinance.
- 4. All signage is to be reviewed and approved through a separate permit application.

**Exhibits:**

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Site Plan
- Exhibit 4 - Narrative
- Exhibit 5 – Comprehensive Sign Plan