



PLANNING DIVISION  
STAFF REPORT

Board of Adjustment

August 2, 2023

CASE No.: <b>BOA23-00392</b>	CASE NAME: Ohana Kids and Family Kare Building Sign
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Owner’s Name:	SPILLMAN OLDINGS I, LLC.
Applicant’s Name:	Michael B. Frawley, Sigtastic LLC
Location of Request:	3130 East Baseline Road. Located east of South Lindsay Road and west of South 32nd Street.
Parcel No:	140-64-339 and 140-64-440
Nature of Request:	Requesting a Special Use Permit (SUP) to modify an approved Comprehensive Sign Plan (CSP).
Zone District:	Limited Commercial zoning district with a Planned Area Development overlay (LC-PAD)
Council District:	2
Site size:	11.5± acres
Existing use:	Office and Retail Center
Hearing date(s):	<b>August 2, 2023 / 5:30 p.m.</b>
Staff Planner:	Sergio Solis, Planner I
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **August 19, 1974**, the City Council established zoning on 308± acres recently annexed, including the subject site, from the Maricopa County Rural-43 to City of Mesa Agriculture (AG) (Ordinance No. 886; Case No. Z74-049).

On **August 15, 1977**, the City Council approved a rezone of 78 acres, including the subject site, from AG to Single-Family Residential-15 (R1-15), for the development of a subdivision of 61 commercial-acre size lots, and approved the tentative plat of “Sundance Acres” (Ordinance 1097; Case No. Z77-40).

On **January 3, 1989**, the City Council approved a rezone of 11.5± acres, including the subject site, from R1-15 to Limited Commercial C-2, for the development of a 111,850 square foot group commercial retail center (Ordinance 2155; Case No. Z86-119).

On **November 5, 2001**, the City Council approved a rezone for the development of a 11.5± acre, including the subject site, from C-2 to C-2 with a Planned Area Development (PAD) overlay. The case approved the development of an office condominium complex with retail and/or restaurant uses (Ordinance 3942; Case No. Z01-054).

On **May 14, 2002**, the Board of Adjustment approved a Special Use Permit for a Comprehensive Sign Plan in conjunction with the development of an office and retail center in the C-2 district (Case No. BA02-008).

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting a Special Use Permit (SUP) to modify an approved Comprehensive Sign Plan (CSP) to allow for the installation of a one (1) permanent attached sign at Suite 103 of an existing group commercial retail center.

In 2002, the Board of Adjustment approved a CSP for the office and retail center of which the subject site is a part. The CSP included the freestanding and wall mounted signage as well as a number of temporary signs to attract interest to the site while under construction. As the development has completed construction, the temporary signs have been removed. The permanent signs approved by the CSP meet zoning ordinance requirements for size and area, but the CSP restricted the location of the wall mounted signage to the locations on each building as shown on the CSP. Additionally, the CSP restricted the use of illuminated signs only to retail tenants.

The requested modifications to the existing CSP include the placement of a wall mounted sign on a raceway across the arched entry to Suite 103 as well as allowing the sign to be illuminated. Section 11-43-2 of the Mesa Zoning Ordinance (MZO) stipulates the design standards for attached and detached signs in all zoning districts, including the LC zoning district. The proposed modification to the approved CSP complies with Sections 11-43-2 and 11-43-3(D) of the MZO with regard to the design, type of signs allowed as well as size required for both attached and detached signs in the LC district.

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

**Table 1: Attached Signs**

<b>Sign Requirements</b>	<b>MZO</b>	<b>Approved CSP</b>	<b>Proposed CSP</b>	<b>Staff Recommendation</b>
Attached Permanent Signs Design Standards – Placement (11-43-2-B(f))	A wall mounted sign shall be placed below parapet or eave	Below the eave of the building as shown in the CSP.	Raceway mounted across the building entry	As proposed

Illumination	Attached signage is permitted to be illuminated in accordance with Section 11-41-3-B of the MZO	Only retail tenants are permitted illuminated signs	All tenants are permitted illuminated signs in accordance with Section 11-41-3-B of the MZO	As proposed
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**General Plan Character Area Designation and Goals:**

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood Character Area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The design, development, and maintenance of neighborhoods focuses on ensuring clean, safe, and healthy areas where people want to live and maintain their investments. The existing group commercial retail center and proposed tenant signage conform with the General Plan and the intent of the character area.

**Site Characteristics:**

The subject property is addressed as 3130 East Baseline Road and was approved as part of a larger 11.5± acre office condominium complex. At this time, the applicant is not requesting any changes to the existing building footprint and required setbacks are currently being met.

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

<b>Northwest</b> RS-9 Single Residence	<b>North</b> RS-35 Single Residence	<b>Northeast</b> RS-7 PAD Single Residence
<b>West</b> LC Limited Commercial	<b>Subject Property</b> LC Group Commercial	<b>East</b> RS-7 PAD Vacant / Retention
<b>Southwest</b> Town of Gilbert Commercial / Office Use	<b>South</b> Town of Gilbert Multiple Residence	<b>Southeast</b> Town of Gilbert Commercial/ Office Use

**Mesa Zoning Ordinance Requirements and Regulations:**

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

Per Section 11-46-3(D) of the MZO, 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
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
3. The proposed signage incorporates special design features such as lighting, materials, and craftsmanship, murals, or statuaries that reinforce or are integrated with the building architecture.

**The site plan for the proposed sign specifies design guidelines for the lighting, materials and craftsmanship of the sign to integrate it with the building architecture. The proposed location and design are compliant with the conditions of approval found in site case history.**

*The request 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;

**Approval of this SUP would further advance the goals and objectives of the City of Mesa General Plan and other policies by enabling the success of a growing business, which provides health services to residents in the City of Mesa.**

*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 signage will not have any negative impact on adjacent property owners, businesses, or occupants, and will conform to sign standards found in the surrounding properties.**

*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

**The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, will not be detrimental to the public health, safety, general welfare, or convenience.**

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 in place and available to serve the proposed project.**

**The request meets this criterion.**

**Neighborhood Participation and Public Comments:**

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

**Staff Recommendation:**

Based upon the application received and preceding analysis, Staff find that the requested Special Use Permit to modify an existing Comprehensive Sign Plan complies with the review criteria for a Comprehensive Sign Plan 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; and therefore, recommends approval of the request with the following conditions.

**Conditions of Approval:**

1. Signage to be reviewed and approved through a separate permit application.
2. Compliance with the sign plan documents submitted.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

**Exhibits:**

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Narrative and Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Elevations