

Mesa Council Chambers Lower Level – 57 E 1st St

Date: August 3, 2022 Time: 4:30 p.m.

MEMBERS PRESENT:

Chair Alexis Wagner
Vice Chair Nicole Lynam
Boardmember Adam Gunderson
Boardmember Chris Jones
Boardmember Heath Reed
Boardmember Ethel Hoffman
Boardmember Troy Glover

MEMBERS ABSENT:

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

STAFF PRESENT:

Rachel Prelog
Evan Balmer
Cassidy Welch
Kellie Rorex
Charlotte Bridges
Jennifer Merrill
Chloe Durfee Daniel
Kwasi Abebrese
Alexis Jacobs

OTHERS PRESENT:

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: None

3 Review and discuss items listed on the Public Hearing agenda for August 3, 2022.

***3-a Staff member Chloe Durfee Daniel presented case BOA22-00199 to the Board.**

Staff member Chloe Durfee Daniel: Good evening, Board and Chair. This is as you said BOA22-00199. This is a Special Use Permit request to allow for the enlargement of legal non-conforming residence within a non-conforming yard. So, this property is at 1144 East Nielson Ave north of Broadway Road west of Stapley Drive highlighted on the screen. It is within the Neighborhood Character Area of the General Plan which designates safe spaces for people to live and enjoy their surrounding community and include a wide range of housing options as well as associated nonresidential uses. The zoning for this property is RS-6 or single residence six the existing use is a

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single-family residence is allowed but the property is legal non-conforming due to the existing site conditions. This is a picture of the existing house. On the side you'll see the existing site plan as well as the proposed site plan. Per the RS-6 zoning district we have minimum setback requirements which include in minimum internal side yard of five feet on either side as well as an aggregate, or sum of both sides, of 15 feet. The existing setbacks as well as the proposed maintained setbacks have to follow the existing nonconforming side setback of four feet on the east side and eight feet on the west for an aggregate of 12 feet. Here are the elevations for the proposed project. Per Section 11-70-5.E for a Special Use Permit criterion, the project will advance the goals and objectives of the General Plan and other city plans indoor policies. The location size design and operating characteristics are consistent with the purposes of the district where it is located and conforms with the General Plan and other applicable plan or policies. The project will not be injurious or detrimental to the surrounding properties the neighborhood or the general welfare of the City. And lastly, the adequate public services public facilities and public infrastructure are available. Overall, the staff does find that it does comply with the 2040 Mesa General Plan, and it does meet the Special Use Permit or findings of section 11-70-5E of the Mesa Zoning Ordinance. Staff does recommend approval with conditions, and I'd be happy to answer any questions.

***3-b Staff member Jennifer Merrill presented case BOA22-00364 to the Board.**

Staff member Jennifer Merrill: Good afternoon, Chair members of the Board. This is case BOA22-00364. The request is for a Special Use Permit for a Comprehensive Sign Plan. This is for the Child Crisis Arizona headquarters building. It's located at 424 West Rio Salado Parkway, it's at the northwest corner of Rio Salado and Country Club Drive. The General Plan character area is Neighborhood, and the purpose of the Neighborhood character area is to provide safe places for people to live and nonresidential areas need to be designed to not disrupt the fabric and functioning of the neighborhood. And they should be designed to provide a sense of place for the local area and connection with the larger community. The existing zoning is Limited Commercial with a Bonus Intensity Zone overlay. It was recently rezoned and offices are permitted uses in that zoning district. Here's a photo of the site looking north from Rio Salado Parkway. The proposed Comprehensive Sign Plan would allow for a mural along the south and east building elevations. Any mural that's on a building that contains sign copy that is visible from off site, or that's more than two inches in height, is considered a sign. So, this mural even though it's designed by a local artist as more of an art feature on the building, because it contains copy, it is considered a sign, so it does not meet the criteria of the sign ordinance which is part of the Mesa Zoning Ordinance. It is exceeding 50% of the building width it is 68% of the south elevation and it exceeds the allowable sign area. The proposed mural is 3205 square feet. The sign plan also includes some detached signage and some attached signage on the building. And those signs meet the standard Zoning Ordinance requirements for attached and detached signage. There are three approval criteria for a Comprehensive Sign Plan. In order to approve the Comprehensive Sign Plan, the request does not need to meet all three of those criteria, because there's the word or in between them, and it does not meet the first criteria and the first criteria is that this site contains unique or unusual physical conditions that limit or restrict normal sign visibility. But it does meet the other two criteria and that is that there is unique architectural style. And the proposed signage incorporates special design features that reinforce or integrated with the building architecture. The request also meets the criteria for a Special Use

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Permit, so it will advance the goals and objectives of the General Plan. The location, size, design and operating characteristics are consistent with the purposes of the district, and it conforms with the General Plan. It will not be injurious or detrimental to the surrounding properties, and it is served by public services public facilities and infrastructure. In summary, the request complies with the Mesa 2040 General Plan, and it meets the Comprehensive Signed Plan criteria of section 11-46-3d. It also meets the Special Use Permit findings of section 11-70-5.E of the Mesa Zoning Ordinance and Staff recommends approval with conditions and I'm happy to answer your questions. Thank you.

Chair Wagner: Thank you so much. Are there any comments or questions from the board on this?

Boardmember Gunderson: I've got a question. So, understanding that the mural would be considered a sign, and that a City can't regulate the content of a sign. Does that mean that this mural can be replaced by any other content and any other copy and would be within this new Comprehensive Sign Permit?

Staff member Jennifer Merrill: Chair, Boardmember Gunderson, the approval would be per compliance with the sign plan documents submitted. And those plan documents do show the mural design and it does show it as something that meets the criteria for the comp sign plan in that the design is complementary to the architecture. And it provides a sense of place for the area. I think that if they were going to modify the sign, they would need to come back in through some sort of approval process. So, whether it be an Administrative Approval.

Staff member Evan Balmer: If I could Chair, Boardmember Gunderson. So, there was some recent legislation that we can't regulate sign copy, what we can regulate is the size of the signage and how it interacts with the building, which is what they're proposing today. So, I suppose that they could change the copy of the sign without staff having much of a say in that, but what they're tied to is the overall design of the signage, the size of the signage, how it complements the building to Jenny's point.

Boardmember Gunderson: Okay. Thank you.

***3-c Staff member Charlotte Bridges presented case BOA22-00478 to the Board**

Staff member Charlotte Bridges: Chair, Boardmembers, this is Board of Adjustment case, BOA22-00478. It is a request for a Substantial Conformance Improvement Permit to allow deviations from the development standards for the redevelopment of an existing place of worship. The site is located at 4151 East Pueblo Avenue. This location is west of Greenfield Road and north of Southern Avenue. The General Plan designation for this property is Neighborhood. The purpose and goal of the Neighborhood character area is to have safe places to live and a wide range of housing options. It also allows non-residential uses such as schools, parks, places of worship, and local serving businesses. The existing zoning on the property a Single Residence-43 and places of worship are permitted in this Zoning District. This is a photo of the existing building that's going to be demolished and replaced by the new building. This photo is looking southwest towards the existing gravel parking area and the existing paved parking area. This photo is looking from the west corner

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of the site towards the southeast, where you can see the existing parking facilities. Also note that along Pueblo Avenue adjacent to this site, there are no street improvements. This site is considered non-conforming because it doesn't comply with the current development standards of the Mesa Zoning Ordinance. In particular, along the south property line, there is an existing four foot by four-inch screen masonry wall that the applicant is requesting to remain as opposed to replacing it with a six foot wall. And then along the west side of the property, there is no screen wall at this time. Adjacent to the south property line, there's an existing landscape yard of 11 feet one inch to 12 feet 10 inches in width. And the applicant is also requesting that this condition be allowed to remain as opposed to installing the 20-foot required landscaped yard along the south property line.

To bring the site into closer conformance with current standards, the applicant is replacing that existing building with a new two story 13,690 square foot building. The proposed building meets all setback requirements for the RS-43 district. It is set back 20 feet from the south property 20 feet from the east property line as well. They're reconfiguring the parking lot and paving it. They're providing pedestrian connections to Pueblo Avenue. They're also installing the half street right of way improvements along Pueblo Avenue, including paving, curb gutter and sidewalk. They're also providing a new parking area screen wall adjacent to Pueblo Avenue. As far as landscaping, they're providing new landscaping throughout the site, including within that existing landscape yard adjacent to the south property line, the new parking lot landscape islands and around the buildings in the foundation base areas. In general, the project meets the review criteria for a Substantial Conformance Improvement Permit. Significant alterations to the site would be required to bring it into full conformance with current Mesa Zoning Ordinance standards and that would discourage redevelopment. This redevelopment project is not creating any new nonconformities and the proposed request is compatible with and not detrimental to the adjacent properties or neighborhood.

An additional part of this request is that the applicant is requesting alternative compliance for the new building elevations. As a part of the zoning requirements for a place of worship, it's required to meet the development standards of the LC district, including the elevation articulation and materials design requirements. In this case, the applicant is requesting a couple of deviations or alterations from the LC district design standards. First, you can see most of the building is stucco and that's the main request, to allow more than 50% of any one elevation to have stucco on it. They're also requesting alternative compliance for the required base treatment. There's no wainscoting around the base of the building. They're also requesting that the roofline not be required to have more modulation over the course of 100 feet. You can see that there are changes in the elevations with the covered entryways and other covered features that are popping out to give the elevations additional articulation. In summary, staff finds the proposed request for the SCIP complies with the 2040 Mesa General Plan, meets the criteria outlined in Chapter 73 in the Mesa Zoning Ordinance, meets the alternative compliance requirements in Section 11-6 of the Mesa Zoning Ordinance, and staff is recommending approval with conditions. And I'll be happy to answer any questions you might have at this time.

Chair Wagner: All right, thank you so much. Are there any questions on this?

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Boardmember Reed: Thank you for the presentation. Obviously, the south wall is four feet four inches correct. And that's going to be remaining in place. Are neighbors okay with that? Has there been any outreach?

Staff member Charlotte Bridges: Chair and Boardmember Reed. We do have one comment card that has been submitted and it does have comments about that wall.

Assistant Planning Direct Rachel Prelog: Chair, Boardmember Reed. So, the comment that they made regarding the block wall is that it's crumbling and it needs to be rebuilt. So that's something that we'll have to discuss with the applicant. It's not a requirement per se, because it is non-conforming, but maintenance of it is something to discuss with them.

***3-d Staff member Kwasi Abebrese presented case BOA22-00520 to the Board.**

Staff member Kwasi Abebrese: Good afternoon, Chair, Boardmembers. This is case BOA-00520 and the request is a variance for an encroachment of 18 feet into the required rear yard and a variance for encroachment into the required side yard. Let me give you a brief background about how this request came about. The applicant was seeking to do a renovation on this property. Specifically, it had to do with allowing the patio to encroach into the rear setback. This is allowed by code but then while staff was evaluating the site, we realized that there's an existing non-conforming structure on the site and this involves an existing shop as well as a carport. The purpose of this request is to allow the existing shop and carport to remain in the single-family residence.

The site is located south of West Rio Salado Parkway, and west of North Country Club Drive. The General Plan character area designation for the site is Neighborhood and the focus of the Neighborhood character area designation is to provide safe places for people to live, making them feel secure as well as enjoy their surrounding environment. The zoning is Single Residence 9 and the use is consistent with existing zoning. This is a picture of the house from North Orange Circle. From the site plan submitted, the existing shop is located at the rear of the property, and it encroaches 18 feet into the required rear yard, leaving a total provided setback of seven feet. The carport support post encroaches into the required side yard and is located right on the west property line. There is an easement of eight feet, which has to do with utilities and irrigation located at the rear setback where the shop is located. So technically, this existing shop has to be eight feet away from the rear property line and away from the easement as well. The existing distance between the carport and the building is three feet, which does not meet the minimum requirement for detached accessory structures, which is six feet.

A detached accessory structure as defined by the Zoning Ordinance is a subordinate structure accommodating an accessory use, which is not physically attached to and separated from the primary building at least six feet. These are pictures of the carport and the existing building. These are pictures of the shop at the rear of the property. From Section 11-80-3 of the MZO, there are special circumstances that apply to the site with respect to the carport. The shape of the subject site

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is narrower at the front and wider at the rear due to its location on a cul-de-sac. This shape impacts negatively on relocation of the carport support post which is encroaching into the rear side yard. Moreover, from the Maricopa County Assessor's historical aerial imagery, this carport was constructed in 1993 predating current MZO regulations. Staff considers this as a legal non-conforming structure. So, in essence, it meets this criterion because of first, the shape of the site and moreover, the year in which it was constructed preceding the current MZO regulations. There are special circumstances with regards to its preexistence because the carport was constructed in 1993 and then the current property owner purchased it in 2013. So, this variance is not caused by the current property owner, but it's preexisting. The strict application of the MZO does not deprive this property of the privileges, because they are adjacent properties on the same cul-de-sac that has similar carports with similar instances that has that are close to the side encroaches into the side setback. So, staff finds that strict application of the MZO will deprive the property of this privilege. And moreover, it is regarded as a legal non-conforming structure. And so, the MZO will deprive it of the privileges other properties are enjoying. Lastly, approval will not grant special privileges with respect to the carport. So, staff finds that the carport meets all the criteria per section 11-80-3 of the MZO.

Moving on to the shop with regards to the special circumstances staff found out that they are adjacent properties on the same cul-de-sac without any shop at the back. And so, this particular problem is peculiar to this particular site or the housing question. And moreover, from the Maricopa County Assessor's historical aerial imagery, this shop was constructed between 2012 and 2013, which is after the current MZO had been introduced, and so, it has to meet the current development regulations specified in the MZO for RS-9 zoning districts. With regards to the second criteria regarding this preexistence, the property purchased the property in 2018. And this shop was already in existence before he purchased the property. So, it meets the second criteria. Moving on to the third criteria, the strict application of the MZO does not deprive the property of the privileges because other properties within the same vicinity or the same cul-de-sac do not have. Or the other property owners did not construct a shop, or they were encroaching into the rear setback. So, this particular issue is peculiar to the subject site. And so, staff finds that the strict application of the MZO does not deprive the property of the privileges enjoyed by others. And since this is just due to the decision made at that time by the property owner is in question. And lastly, the approval would grant special privileges with respect to that with respect to the shop. And so, since this is not peculiar to the site, approving this variance will grant special privileges with respect to the property in question. Moving on to the findings, the existing carport predates MZO regulations and is considered as a non-conforming structure, the structure is considered attached to the primary residence, and the strict application of the MZO will not deprive the property of privileges enjoyed by the others. In summary Staff recommends approval of the variance requests for carports with conditions. And then with regards to the shop. Staff finds that the shop was constructed after the MZO had come into effect. The structure is considered attached to the primary residence, and the strict application of the MZO does not deprive this property of the privileges. In some way Staff recommends denial of the variance request for the existing shop. Staff is happy to answer any questions you may have at this time. Thank you.

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Chair Wagner

Thank you so much. Are there any questions right now?

Boardmember Glover: I know this is continuance from last month and I don't recall the specific questions. Didn't we have some specific questions that we asked to have answered? And I don't know if those have been answered? I don't recall what those questions were. Can we review that please?

Assistant Planning Director Rachel Prelog: Yeah, Chair, Boardmembers. I heard that one of the questions had to do with the if it was a detached accessory structure versus an attached structure. So Kwasi did address that in his presentation that it does not meet the definition of a detached structure because it is less than six feet from the primary residence and I believe there was another question, Cassidy.

Staff member Cassidy Welch: Chair, Boardmember Glover. The second question was in regard to permitting of the existing shop structure. So that shop structure was constructed sometime between 2012 and 2013. And would have required a building permit, should you approve the variance for the shop structure, it will still require a building permit.

Assistant Planning Director Rachel Prelog: And one more comment to mention on that because of the existing easement along the rear property line. It's encroaching into that easement as well by one foot. So, it would also require them to either vacate a portion of that easement or obtain approval from the utility companies whose benefit that is for.

Chair Wagner: So that back easement encroaches into the utility easement. Is that what you're talking about

Staff member Kwasi Abebrese: It encroaches one foot into the eight-foot easement.

***3-e Staff member Kellie Rorex presented case BOA22-00570 to the Board.**

Staff member Kellie Rorex: Good afternoon, Chair, members of the Board. This is case BOA22-00570. The request before you today is for a Special Use Permit and a variance to allow a detached structure to develop on a single residence site. The location of the site is west of Ellsworth Road north of Germann Road within the Queen's Park subdivision. The General Plan Character Area is Employment which focuses on providing areas for employment type land uses, however, this subdivision predates the 2040 General Plan Character Area and is in conformance with the General Plan because it does meet the zoning districts permitted uses. The Mesa Gateway Strategic Development Plan also covers this site, and it falls within the Logistics and Commerce District of that plan, however, the subdivision also predates this plan. The zoning on the site is Single Residence 43 and again single residence is permitted in this district. The site, within the Queen's Park subdivision, historically has been used as horse properties with larger lot rural homes. Here is an image of the site as it is existing today, and here is the proposed site plan. Existing on the site is a single-family home with a roof area that is 4,370 square feet. There is an existing 3,000 square foot

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detached structure which is used as a workshop and then the applicants are proposing a 17-foot six inch tall, 2,800 square foot detached structure to be used as a horse barn. In the RS-43 district, per section 11-30-17 of the Mesa Zoning Ordinance, the aggregate area of all detached buildings shall not be greater than 100% of the roof area of the primary dwelling unless approved by a Special Use Permit. The roof area of the home is 4,370 square feet, the square footage of the existing detached structure is 3,000 square feet, and the square footage of the proposed detached structure for the horse barn is 2,800 square feet, so all detached structures combined exceed the roof area of the primary dwelling by about 1,400 square feet. Additionally, detached structures in the RS-43 district are permitted in the required rear yard and outside of the required side yards provided they do not exceed 15 feet in height. The applicants are proposing a 17-foot six-inch height for the horse barn which will also be within the rear setback and not be meeting the detached structure requirements. However, as I mentioned, the site is in the Queen's Park subdivision which has been historically used as horse properties and many of the neighbors in this subdivision do have structures that are both over 100% the size of the primary home and within building setbacks. Provided here are some examples in the neighborhood.

With that, the project will meet the SUP criteria of 11-70-5.E and the project will advance the goals and objectives of the General Plan. The location size design and operating characteristics are consistent with the purpose of the district, the project will not be injurious or detrimental to the surrounding properties and adequate public services public facilities and public infrastructure are available. The request also meets the various criteria in 11-80-3, special circumstances apply to this site due to the location of the site withing the Queens Park Subdivision and the special circumstances are preexisting. The lots in this subdivision have always been used and developed as horse properties with large, detached structures, therefore, the request is consistent with the neighborhood and the strict application of the zoning ordinance would deprive the property of privileges that other houses in the same district enjoy. The approval will not grant special privileges and, so, staff finds that the request complies with the 2040 General Plan it complies with the Mesa Gateway Strategic Development Plan. The criteria in MZO section 11-70-5.E for a Special Use Permit and the criteria in chapter 80 for variance and staff is recommending approval with conditions.

Chair Wagner: Thank you so much. Are there any questions from the board tonight?

Boardmember Glover: Quick question, the existing 3,000 square foot structure that's there was that permitted and is that currently legally conforming use?

Staff member Kellie Rorex: Boardmember Glover, yes.

***3-f Staff member Kwasi Abebrese presented case BOA22-00572 to the Board.**

Staff member Kwasi Abebrese: Thank you Chair, Board members. This is BOA22-00572. The request is for a modification to a Planned Area Development and the purpose is to allow for the addition of a garage onto an existing casita. Let me give you a brief history about this PAD. In 1984,

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the preliminary plat for Alta Mesa Parcel 3 was approved. Before this plan was approved staff raised a number of concerns regarding the garage dominance, the small front yard setbacks, as well as the narrow street width provided. Staff saw that there will be a potential problem in the future as the plan submitted had the potential of generating into traffic problems with regards to the garage dominance, narrow front yard setback and narrow street width that were provided. Each property was provided with a double car garage coupled with a narrow front yard setback of six feet and a street width of 25 feet. The garage dominance and the narrow front yard setback coupled with the narrow street width has the potential to generate into traffic problems. Moreover, the current MZO requires a 50-foot maneuverability distance for trucks to maneuver through the site to access trash enclosures and this particular development does not meet this requirement. These were the concerns of staff at the time the plan was approved.

The subject site is located north of East Brown Road, east of Higley Road and it is within the Mission Square PAD. This is a picture of the site looking north from North Sunnyvale. The General Plan character area designation is Neighborhood and that the focus of the neighborhood character area is to provide safe places for people to live, make them feel secure, as well as enjoy the surrounding community. The zoning is Multiple Residence 2 with a Planned Area Development overlay. The use is consistent with the existing zoning. This is the site plan provided and the site plan shows an existing single-family home that has a double car garage of 438 square feet in area. The size of the proposed garage is 357 square feet in area and this garage is to encroach four feet into the side yard setback. The approved setbacks for this zoning district include a front yard setback of six feet, a rear yard setback of five feet and side yard setback include zero and seven feet. This is a photo of the site showing the existing garage, and then the proposed area where the addition is supposed to take place. This is another photo showing the proposed site and the existing garage. And then this is a photo from north Sunnyvale showing the garage dominance on the street. Per section 11-22-5.E of the MZO, the addition of the proposed garage will increase the visual dominance of garages on the subject site. This does not conform to the requirements specified in the current zoning ordinance, specifically section 11-5-5 of the MZO, which talks about the total frontage for parking areas and garages, so the total garage frontage shall not exceed 30% of the lot frontage of any residence within a multiple residential zoning district. The dominance of the garages coupled with a small front yard setbacks and narrow street has the potential of limiting the amount of maneuvering space available on the site for both trucks and other vehicles.

The request is not consistent with the purpose and the intent of the mission square approved development plan, which was approved in 1984. Staff had concerns with regards to the parking provided on the site, and the setbacks provided. With regards to the findings, the existing attached single residence home was constructed in 1985. The subject site has an existing garage, which is 483 square feet in area. And then the addition of the proposed garage does not conform to the design standards in multiple residential zoning district per section 11-5-5 of the MZO, and as well as does not conform to the intent of the Alta Mesa Development Master Plan. In short, Staff recommends denial of the request to modify this existing PAD. And staff is happy to answer any questions you may have at this time. Thank you.

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***3-g Staff member Cassidy Welch presented case BOA22-00662 to the Board.**

Staff member Cassidy Welch: Good afternoon, Chair, members of the Board. The case before you this evening is BOA22-0662. This is a request for a Special Use Permit to allow for a Comprehensive Sign Plan in the Tailwinds at Gateway development. The site is located on the south side of Pecos Road and east of Sossaman Road on the east side of 80th Street. The General Plan designation for this property is Employment. The intent behind the Employment character area is to provide for a wide range of employment uses in high quality settings. The zoning on the site is Employment Opportunity. This site recently opted into the Pecos Road Employment Opportunity Zone. Here you can see an existing photo of the site, it is currently vacant. The proposed Comprehensive Sign Plan is a modification to the detached sign copy criteria, specifically the requirement to limit the sign copy the horizontal to vertical ratio of the signed copy from 2:1 to 5:1. So essentially what that translates to is that the sign will be wider and longer at the horizontal scale than it is taller. Staff finds that the proposed Comprehensive Sign Plan meets the approval criteria for the Comprehensive Sign Plan. The site has some unique physical conditions that would limit normal sign visibility. These are the only detached signage that will be proposed on the site, there won't be additional signage for each tenant or building. The development exhibits unique characteristics and a clear variation from conventional development. And the signage incorporates special design features that are consistent with the approved building architecture. The proposed development also complies with the Special Use Permit criteria, and that the project will advance the goals and objectives of the General Plan character area. The operating characteristics are consistent with the district in which it's located and the proposed development will not be injurious or detrimental. And there are adequate services to serve this proposed development. In summary, we find that the proposed Comprehensive Sign Plan meets the 2040 Mesa General Plan as well as the criteria for both a Special Use Permit and Comprehensive Sign Plan. And staff is recommending approval with conditions. Thank you so much.

***3-h Case BOA22-00684 was withdrawn.**

4 Adjournment.

Vice Chair Lynam moved to adjourn the Study Session and was seconded by Boardmember Jones. Without objection, the Study Session was adjourned at 5:16 p.m.

Respectfully submitted,

Evan Balmer

Evan Balmer,
On behalf of Zoning Administrator (Dr. Nana Appiah)