

Board of Adjustment

Staff Report

CASE NUMBER: BOA17-00530
STAFF PLANNER: Charlotte Bridges, Planner I
LOCATION/ADDRESS: 2060 W. Broadway Road
COUNCIL DISTRICT: District 3
OWNER: Pacific Oil Partner, LLC
APPLICANT: Jeff Spence, Royal Signs

REQUEST: *Requesting a Special Use Permit (SUP) to allow an electronic message display to change more often than once per hour in the LI-PAD District.*

SUMMARY OF APPLICANT'S REQUEST

This request is for approval of a Special Use Permit (SUP) to allow electronic message displays within an existing detached sign to change more frequently than currently allowed by Code.

STAFF RECOMMENDATION

Staff recommends **approval** of case **BOA17-00530**, conditioned upon following:

1. *Compliance with the site plan, sign details and project narrative submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Development Services Division in the issuance of sign permits.*
3. *Each message on the electronic display message sign shall remain static for a minimum of eight (8) seconds.*
4. *The transitions between messages and the light intensity level of the electronic message display shall comply with the requirements of Section 11-41-8.D.17.*
5. *The electronic message displays shall not be illuminated between 11:00 p.m. and sunrise.*

SITE CONTEXT

CASE SITE: Wash Werks Car Wash – Zoned LI-PAD
NORTH: Existing Industrial Development – Zoned LI-PAD
EAST: QT Convenience Store and Gas Station – Zoned LI-PAD
SOUTH: (Across Broadway Road) Commercial Center – Zoned LC; Apartments – Zoned RM-4
WEST: Existing Industrial Development – Zoned LI-PAD-CUP

STAFF SUMMARY AND ANALYSIS:

This request is for a SUP to allow electronic message displays within an existing detached sign to change once every five minutes. The existing detached sign was previously approved through the building permit review process (BLD2017-02554) with electronic message displays that were to remain static for a minimum period of one hour per Mesa Zoning Ordinance (MZO) 11-41-8.D.17.a. However, electronic message displays may change more frequently than once per hour with the approval of a SUP. A SUP for increased frequency of message change may be granted if the proposed sign is found to be compatible with and not detrimental to surrounding

properties through the consideration of specific factors.

MZO 11-41-8.D.17.b directs the Board of Adjustment to consider the following factors in considering an SUP request to allow electronic message displays to change more frequently than currently allowed by Code:

1. The speed and volume of the vehicular traffic visually exposed to the sign;	The maximum speed limit allowed on Broadway Road in this area is 45 mph. The proposed detached sign will be approximately 54-ft. from the west property line, and 200-ft. from the east property line. There is only one detached sign along the ±256-ft. frontage for the property. While the applicant's request is for the electronic message displays to change once every five minutes, Staff is recommending an 8-second message display, which is based on Arizona Department of Transportation (ADOT) standards. With a 45-mph speed limit, a vehicle traveling at that speed would travel 528-ft in 8 seconds. Over a quarter mile, there would be no-more than three messages over a 1320-ft (or one quarter-mile) distance. A static message for 8 seconds ensures the message is static long enough for the driver to read whatever it says quickly, in a single display, and then return their attention to the roadway.
2. The presence of other signs or distracting influences in proximity to the sign location; and	Signs on neighboring sites are adequately separated from the proposed sign, and do not create sign clutter.
3. The extent to which the design of the sign is compatible with other signs located on the premises.	The design of the existing detached and attached signs are compatible. Sign design is also compatible with the architecture of the building.

Additionally, MZO 11-70-5.E establishes findings that are required if the Board of Adjustment is to approve 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 recommended 8-second electronic message display change is consistent with cited plans and policies.
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 with any other applicable City plan or policies;	The recommended 8-second electronic message display change is in keeping with the purposes of this area.
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 recommended 8-second electronic message display change is in keeping with traffic safety concerns. Because the sign is within 150' of a residential use it could be detrimental if illuminated at night. Staff recommends a condition of approval that the sign be turned off between 11 PM and sunrise.
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	This area is fully developed, providing all the infrastructure, services and facilities needed.

CONCLUSION

Code requires electronic message displays to remain static for one hour. While the applicant's request is for an electronic message display change rate of once every five minutes, Staff is recommending a minimum 8-second rate of change, consistent with ADOT recommendations. A minimum 8-second message display rate would allow the applicant additional electronic message display flexibility without being too distracting to drivers. Also, because of the sign's location within 150' of a residential use, staff recommends that the electronic message displays not be illuminated between 11:00 p.m. and sunrise. Staff finds this will mitigate impacts on existing residential uses across the street.

FINDINGS

1. The proposed electronic message display is approximately 54' from the west property line, and 200' from the east property line.
2. The speed limit of Broadway Road is 45 mph in this location.
3. Electronic message displays are to remain static for a minimum of one hour unless a Special Use Permit (SUP) is granted. In this case, the recommended minimum 8-second message display change rate is the standard minimum display period for an electronic message display proposed by the update to the Mesa Sign Ordinance.
4. The minimum 8-second message display change rate reflects Arizona Department of Transportation standards.
5. With a 45-mph speed limit, a vehicle traveling at that speed would travel 528-ft in 8 seconds. Over a quarter mile, there would be no more than three messages over a 1320-ft (or one quarter-mile) distance.
6. The electronic message displays are located within 150' of a residential use.

ORDINANCE REQUIREMENTS

Mesa Zoning Ordinance, Section 11-70-5 – Special Use Permit:

- A. *Special Use Permit (SUP)*. A SUP is a discretionary permit issued by the Zoning Administrator or Board of Adjustment.
- B. *Uses Subject to Special Use Permits*. Uses requiring a SUP are established in the use tables in Chapters 4 through 11.
- C. *Permit Requirements*. Permit requirements for some uses requiring a SUP are provided in Chapter 31, Standards for Specific Uses and Activities.
- D. *Permit Application and Procedures*. The procedures for review and consideration of a SUP are as provided in the Chapter 67, Common Procedures, except a citizen participation plan and report is not required.
- E. *Required Findings*. A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
 - a. 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;
 - b. 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 with any other applicable City plan or policies;
 - c. 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

- d. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.
- F. *Revocation of Special Use Permits.* A Special Use Permit granted pursuant to this Chapter may be suspended, revoked, or modified by the Zoning Administrator, after holding a public hearing to determine whether any condition, stipulation, or term of the approval of the Use Permit has been violated. At least 30-days notice shall be provided prior to the public hearing, and all of the noticing and hearing requirements of Chapter 67 shall apply.

Zoning Ordinance, Sec. 11-41-8.D – Supplemental Provisions:

17. Electronic message displays are permitted in accordance with the following:
- (a) Displays of static messages, where the message change sequence is accomplished immediately or by means of fade or dissolve modes, shall be permitted as a matter of right, subject to the sign size limitations otherwise applicable for the site, provided each message is displayed for a minimum period of one hour.
 - (b) A Special Use Permit under the Administration and Procedures Chapter of this Ordinance shall be required for approval of the display of static messages displayed for a minimum period less than one (1) hour, and changed by any mode, or for message changes accomplished by the means of travel or scrolling modes. The Zoning Administrator/Board of Adjustment may attach conditions to the approval of such Electronic Message Displays, including limitation on the minimum time period for the display of each message, to the extent necessary to ensure that the granting of the Special Use Permit will not have a detrimental effect on the surrounding area or the public welfare, and will be consistent with the purpose and intent of this Chapter. In making this determination, the Zoning Administrator/Board of Adjustment shall consider the following factors:
 - 1. The speed and volume of the vehicular traffic visually exposed to the sign;
 - 2. The presence of other signs or distracting influences in proximity to the sign location; and
 - 3. The extent to which the design of the sign is compatible with other signs located on the premises.
 - (c) The intensity of the LED display shall not exceed the levels specified in the chart below:

INTENSITY LEVEL (NITS)		
COLOR	DAYTIME	NIGHTTIME
Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Full Color	7,000	2,500

Prior to the issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in the chart above, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Building Safety Director.