

# Board of Adjustment

## *Staff Report*

**CASE NUMBER:** BOA18-00329  
**STAFF PLANNER:** Charlotte Bridges, Planner I  
**LOCATION/ADDRESS:** 6735 E McDowell Road  
**COUNCIL DISTRICT:** District 5  
**OWNER:** LCF Car Wash Red Mountain, LLC  
**APPLICANT:** Marja Rovala, Signs Plus

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

### **SUMMARY OF APPLICANT'S REQUEST**

This request is for the approval of a Special Use Permit (SUP) to allow an existing electronic message display attached to a car wash building to change more frequently than currently allowed by Code.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of case BOA18-00329, ***with the following conditions:***

- 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 with no movement or motion. Message change is permitted through fade, dissolve, travel, or scrolling modes not to exceed two (2) seconds in transition.*
- 4. The electronic message panel shall include lighting control technology, such as the use of photocells, to control and vary the intensity of lighting depending on the amount of ambient light present (e.g. daytime, nighttime, partial shade or cloudy conditions).*
- 5. The intensity of the lighting shall not exceed three-hundred (300) nits from dusk until dawn.*

### **SITE CONTEXT**

**CASE SITE:** Existing CleanFreak Car Wash– Zoned LC  
**NORTH:** (Across McDowell Road) Existing shopping center – Zoned LC-PAD  
**EAST:** Existing convenience store and service station – Zoned LC  
**SOUTH:** Existing shopping center – Zoned LC  
**WEST:** Existing shopping center – Zoned LC

### **STAFF SUMMARY AND ANALYSIS:**

This request is for a SUP to allow existing electronic message display attached to a car wash building to change once every 8-seconds. The existing electronic message display sign was previously approved through the building permit review process (PMT17-03563) with a display that was 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 an electronic message display 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 McDowell Road in this area is 45 mph. The electronic message display sign is approximately 32-ft. from the east property line and is placed at an approximate height of 22-ft above grade, on the east elevation of the building. The subject electronic message display is only visible from the east. The applicant's request is for the electronic message displays to change once every 8-seconds, 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	There is an additional static attached sign on the east elevation, and the north elevation of the car wash building. These signs do not present a distracting influence. There is no detached sign for this site. In addition, signs on neighboring sites are adequately separated from the proposed sign, and do not create a distracting influence.
3. The extent to which the design of the sign is compatible with other signs located on the premises.	The design of the attached electronic message display and the other attached signs are compatible. Also, the sign design is 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 requested 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 requested 8-second electronic message display change is in keeping with the purposes of the LC District and conforms to cited plans and policies.
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 requested 8-second electronic message display change is in keeping with traffic safety concerns and is not detrimental to the neighborhood or to the general welfare of the City.
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	This area is developed, providing all the infrastructure, services and facilities needed.

#### CONCLUSION:

MZO 11-41-8.D.17.b, requires approval of an SUP for electronic message displays to change more frequently than once per hour. Staff supports the applicant's request for a minimum 8-second rate of change, which is consistent

with ADOT standards. A minimum 8-second message display rate would allow the applicant additional electronic message display flexibility without being too distracting to drivers.

#### **FINDINGS:**

- 1.1** The existing electronic message display is approximately 32' from the east property line and is mounted at an approximate height of 22-ft above grade on the east elevation of the car wash building, and is only visible from the east
- 1.2** The speed limit of McDowell Road is 45 mph in this location.
- 1.3** Electronic message displays are to remain static for a minimum of one hour unless a Special Use Permit (SUP) is granted.
- 1.4** The minimum 8-second message display change rate reflects Arizona Department of Transportation standards.
- 1.5** 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 message changes over a 1320-ft (or one quarter-mile) distance.
- 1.6** The electronic message display and the other attached sign on the car wash building do not present a distracting influence. In addition, signs on neighboring sites are adequately separated from the subject sign, and do not create a distracting influence.
- 1.7** The requested 8-second electronic message display change is in keeping with traffic safety concerns and is not detrimental to the neighborhood or to the general welfare of the City.

#### **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.

\*Note: These values are being changed in the revised Sign Ordinance. The conditions of approval utilize the requirements from the updated code.