

**City Council Chambers – Lower Level  
57 East 1st Street Mesa, AZ 85201  
Study Session 5:00 p.m. and Public Hearing 5:30 p.m.  
Wednesday, October 7, 2020**

Boardmembers Present Via Virtual Connection:

Vice Chair Ken Rembold  
Boardmember Kathy Tolman  
Boardmember Nicole Lynam  
Boardmember Steven Curran  
Boardmember Alexis Wagner

City Staff Present Via Virtual Connection:

Nana Appiah, Planning Director  
Wahid Alam, Planner II  
Evan Balmer, Planner II  
Kellie Rorex, Planner I  
Heather Omta, Planning Assistant

Boardmembers Absent:

Chair Adam Gunderson  
Boardmember Chris Jones

Other City Staff Present:

Lesley Davis, Senior Planner

The Study Session began at 5:00 p.m. and concluded at 5:34 p.m. The Public Hearing began at 5:35 p.m., before adjournment at 5:43 p.m., the following items were considered and recorded.

Board of Adjustment Study Session

**1. Call meeting to order.**

Study Session began at 5:00 p.m.

**2. Review and discuss items listed on the Public Hearing agenda for October 7, 2020.**

The items scheduled for the Board's Public Hearing were discussed.

- Planner Evan Balmer presented case BOA20-00484
- Planner Wahid Alam presented case BOA20-00501
- Planner Kellie Rorex presented case BOA20-00580

**3. Adjournment.**

Without objection, the Study Session was adjourned at 5:34 p.m.

Board of Adjustment Public Hearing

**1. Call meeting to order.**

Public Hearing began at 5:35 p.m.

**2. Take action on all consent agenda items.**

Items on the Consent Agenda

**3. Approval of the September 2, 2020 minutes.**

A motion to approve the minutes on the consent agenda as read by Boardmember Curran was made by Boardmember Lynam and seconded by Boardmember Wagner.

**Vote: 5-0**

Upon tabulation of vote, it showed:

AYES – Rembold-Tolman-Curran-Lynam-Wagner

NAYS – None

ABSENT – Gunderson-Jones

**4. Take action on the following cases:**

A motion to approve the following cases on the consent agenda as read by Boardmember Curran was made by Boardmember Lynam and seconded by Boardmember Wagner.

**Vote: 5-0**

Upon tabulation of vote, it showed:

AYES – Rembold-Tolman-Curran-Lynam-Wagner

NAYS – None

ABSENT – Gunderson-Jones

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**\*4-a Case No.: BOA20-00484 (Approved with Conditions)**

Location: Within the 4800 to 5200 blocks of South Power Road (east side) and the 6800 to 7000 blocks of East Ray Road (north side)  
Subject: Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) for mixed-use development in the LC-PAD district.  
Decision: Approved with Conditions.  
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA20-00484 was made by Boardmember Lynam as read by Boardmember Curran with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Wagner to approve the following conditions:

1. Compliance with the sign plan documents submitted.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

**Vote: 5-0**

Upon tabulation of vote, it showed:

AYES – Rembold-Tolman-Curran-Lynam-Wagner

NAYS – None

ABSENT – Gunderson-Jones

The Board's decision is based upon the following Findings of Fact:

- A. The site is approved for the development of a mixed-use development.
- B. The aesthetic character of the signage is intended to complement the building design of the site.
- C. The design of the site is consistent with the Gallery Park Design Guidelines.
- D. The sign criteria within the proposed CSP will enhance the development of the property.
- E. The proposed CSP conforms to the criteria outlined in Section 11-46-3(D) of the MZO for approval of a CSP.
- F. The proposed CSP conforms to the criteria outlined in Section 11-70-5(E) of the MZO for approval of a SUP.
- G. The request is consistent with the goals of the General Plan, the use complies with the LC-AF-PAD-CUP zoning districts, the CSP will not be injurious or detrimental to adjacent or surrounding properties and there are adequate public services to support the use of the site as a residential subdivision.

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**\*4-b Case No.: BOA20-00501 (Approved with Conditions)**

Location: 1948 E. McKellips Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow an eating and drinking establishment with drive-thru facility in the Limited Commercial (LC) District.

Decision: Approved with Conditions.

Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA20-00501 was made by Boardmember Lynam as read by Boardmember Steven Curran with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Wagner to approve the following conditions:

1. Compliance with the final site plan as submitted.
2. Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
4. Compliance with the site plan modification and Design Review (Case No. ZON20-00503 and DRB20-00502).

**Vote: 5-0**

Upon tabulation of vote, it showed:

AYES – Rembold-Tolman-Curran-Lynam-Wagner

NAYS – None

ABSENT – Gunderson-Jones

The Board's decision is based upon the following Findings of Fact:

- A. The site is zoned LC and is an existing pad site formerly occupied by a Chuy's restaurant and approved for a SCIP in 2014 to allow for the development of a restaurant with drive-thru.
- B. The SCIP approved by the Board of Adjustment in 2014 was not executed or extended within the one-year approval period. Therefore, extension of the SCIP requires approval from the original approving body.
- C. The existing cross accesses with the greater commercial center constrains the layout of the pad site.
- D. Dedication of right-of-way for the construction of a bus pull put lane further constrained the site and changed the established setbacks.
- E. Full compliance with current MZO would require significant alterations to the group commercial center to change the onsite circulation.
- F. Improvements to the existing site includes installation of additional landscaping along McKellips Road, additional landscaping within the parking areas north of the buildings, and improved pedestrian circulation.
- G. The modifications requested along with the proposed improvements are consistent with the degree of change requested to improve the site and to bring the site into a closer degree of conformance with current MZO standards.
- H. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

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**\*4-c**                      **Case No.: BOA20-00568 (Continue to November 4, 2020 Hearing)**  
Location:                4359 E. Decatur Road  
Subject:                 Requesting a variance to allow a detached accessory building, which exceeds eight feet in height, to be closer to the primary residence than six feet and within the side yard in the RS-9 District.  
Decision:                Continued to November 4<sup>th</sup>, 2020 hearing.  
Summary:                This item was continued and not discussed on an individual basis.

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**\*4-d Case No.: BOA20-00580 (Approved with Conditions)**

Location: 2311 W. Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards to develop a dental office in the LC District.

Decision: Approved with Conditions.

Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA20-00580 was made by Boardmember Lynam as read by Boardmember Steven Curran with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Wagner to approve the following conditions:

1. Compliance with the final site plan and all requirements of case ZON20-00488.
2. Compliance with the final elevations, landscape plan, and all requirements of case DRB20-00495.
3. Prior to application for a building permit, receive approval of an Administrative Use Permit for 56 parking spaces.
4. Compliance with all City development codes and regulations, except as identified in Table 1 of this report; and
5. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
6. All signage to be reviewed and approved through a separate permit application.

**Vote: 5-0**

Upon tabulation of vote, it showed:

AYES – Rembold-Tolman-Curran-Lynam-Wagner

NAYS – None

ABSENT – Gunderson-Jones

The Board's decision is based upon the following Findings of Fact:

- A. The site is zoned LC and has an existing building located on the site that has sat vacant for several years.
- B. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- C. The applicants are currently in the review process for an AUP to exceed the required number of parking spaces for the use on the site.
- D. Improvements to the site include the addition of parking lot landscape islands, restriping of the parking area, and adding additional landscaping to the parking lot and foundation base area.
- E. The modifications requested along with the proposed improvements are consistent with the degree of change requested to improve the site and bring the site into a closer degree of conformance with current MZO standards.
- F. The proposed improvements will not create any new non-conformities.
- G. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Items not on the Consent Agenda

5. **Take action on the following cases: None**
6. **Items from citizens present.**
7. **Adjournment.**

Without objection, the public hearing was adjourned at 5:43 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Rachel Prelog". The signature is written in a cursive, flowing style.

Rachel Prelog,  
On behalf of Zoning Administrator (Dr. Nana Appiah)