

Virtual Platform

Date: August 4, 2021 Time: 5:30 p.m.

MEMBERS PRESENT:

Chair Alexis Wagner
Vice Chair Nicole Lynam
Boardmember Heath Reed
Boardmember Ethel Hoffman
Boardmember Troy Glover

MEMBERS ABSENT:

Boardmember Adam Gunderson
Boardmember Chris Jones

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

STAFF PRESENT:

*Margaret Robertson
Rachel Prelog
Charlotte Bridges
Jennifer Gniffke
Kellie Rorex
Sean Pesek
Dawn Dallman

OTHERS PRESENT:

1 Call meeting to order.

Chair Wagner declared a quorum present and the Public Hearing was called to order at 5:30 p.m.

2 Take action on all Consent Agenda items.

A motion to approve the Consent Agenda was made by Boardmember Hoffman as read by Vice Chair Lynam and seconded by Boardmember Reed.

Items on the Consent Agenda

3 Approval of the following minutes from previous meeting:

***3-a Minutes from July 7, 2021 Study Session and Public Hearing.**

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Glover-Reed-Hoffman

NAYS – None

ABSENT – Gunderson, Jones

ABSTAINED – None

4 Take action on the following cases:

***4-a Case No.: BOA21-00389 (Approved with Conditions)**

Location: District 4. Within the 300 block of N. Stapley Drive (west side) and within the 1100 block of E. University Drive (south side). Located west of N. Stapley Drive on the south side of E. University Drive.

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of a drive-thru coffee shop in the Limited Commercial (LC) District.

Decision: Approved with Conditions

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

A motion to approve case BOA21-00389 was made by Boardmember Hoffman as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Reed 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 ZON21-00388 for site plan approval.
4. Compliance with all requirements of Design Review case, DRB21-00119.

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

- A. The subject property is 0.7± acres and has been in its current configuration for more than 10 years.
- B. The subject property is served by, or has direct access to, existing utilities.
- C. The total developable land area within 1,200 feet of the subject property is not more than 25 percent vacant.
- D. Greater than 50 percent of lots within 1,200 feet of the subject property have been developed for more than 15 years.
- E. This requested deviations through the DIP will allow for the development of a bypassed parcel.
- F. The proposed development is consistent with the General Plan’s Neighborhood character area designation.
- G. The requested modifications will result in a development that is commensurate with existing development in the vicinity.

Consent Agenda Approved

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Glover-Reed-Hoffman

NAYS – None

ABSENT – Gunderson, Jones

ABSTAINED – None

- *4-b Case No.: BOA21-00482 (Approved with Conditions)**
Location: District 3. 1231 W. Baseline Road
Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for a limited service restaurant with drive-thru facility in the Limited Commercial District with a Planned Area Development Overlay (LC-PAD).
Decision: Approved with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA21-00482 was made by Boardmember Hoffman as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Reed to approve the following conditions:

1. Compliance with the final site plan and landscape 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.

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

- A. The site is zoned LC-PAD, and a site plan modification (SPM84-003) approved the development of a restaurant with drive-thru facilities use for the site.
- B. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- C. Full compliance with current MZO would require significant alterations to the site including removal of parking spaces and alterations to the building and on-site circulation.
- D. Improvements to the existing site include installing a median to separate a portion of the drive-thru lane from the adjacent drive aisle, landscape improvements within the parking field, and new plant material in the existing perimeter and foundation base areas.
- 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.

Consent Agenda Approved

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Glover-Reed-Hoffman

NAYS – None

ABSENT – Gunderson, Jones

ABSTAINED – None

- *4-c Case No.: BOA21-00487 (Continued to September 1, 2021)**
Location: District 2. 3020 E. Main Street.
Subject: Requesting a Special Use Permit (SUP) to allow modifications to an existing Comprehensive Sign Plan (CSP) in the Multiple Residence (RM-4) District.
Decision: Continued to September 1, 2021
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to continue case BOA21-00487 was made by Boardmember Hoffman as read by Vice Chair Lynam and seconded by Boardmember Reed.

Consent Agenda Approved

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Glover-Reed-Hoffman

NAYS – None

ABSENT – Gunderson, Jones

ABSTAINED – None

- *4-d Case No.: BOA21-00512 (Approved with conditions)**
Location: District 3. 1242 W. University Drive.
Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to re-establish a drive-thru at an existing restaurant building 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 BOA21-00512 was made by Boardmember Hoffman as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Reed to approve the following conditions:

1. Compliance with the final site plan and landscape plan as submitted except for the following:
 - a. Remove the southern-most parking space on the east side of the building and replace with landscaping.
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.

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

- A. The subject site, developed under a previous zoning code, does not meet current MZO development standards and is therefore considered legal non-conforming.
- B. Full compliance with current MZO would require significant alterations to the site including alterations to the building and on-site circulation.
- C. Improvements to the existing site include installing a raised landscape median to separate the drive-thru lane from the adjacent drive aisle and head-in parking stalls, new plant materials, and a new refuse enclosure gate, and bicycle racks.
- D. 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.
- E. The proposed improvements will not create any new non-conformities.
- F. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Consent Agenda Approved

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Glover-Reed-Hoffman

NAYS – None

ABSENT – Gunderson, Jones

ABSTAINED – None

- 4-e Case No.: BOA21-00585 (Denial)**
Location: District 1. 2811 E. Norwood Street.
Subject: Requesting a variance to allow a detached accessory building greater than 15-feet in height within the required side and rear yards in a Single Residence 9 (RS-9) District.
Decision: Denial.
Summary: This item was removed from the consent agenda and was discussed on an individual basis. See Item 5a below.

- *4-f Case No.: BOA21-00596 (Approved with Conditions)**
Location: District 3. Within the 2000 to 2300 blocks of W. Southern Avenue (south side) and within the 1200 to 1600 blocks of S. Dobson Road (west side).
Subject: Requesting a Special Use Permit (SUP) to allow modifications to an existing Comprehensive Sign Plan (CSP) in the Neighborhood Commercial District with a Planned Area Development Overlay (NC-PAD).
Decision: Approved with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA21-00596 was made by Boardmember Hoffman as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Reed to approve the following conditions:

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

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

- A. If approved, the proposed CSP modification will increase the maximum individual sign area for attached signs in the NC zoning district to allow for the installation of one new wall sign for the Women’s Tower.
- B. If approved, the proposed CSP modification will allow Banner Health to replace four existing wall signs; two on the main hospital building and two on the Children’s Tower.
- C. No additional ground signs will be installed through approval of the CSP.
- D. Existing ground signs will be updated to include new Banner Health logos (sign face only) and are identified on the CSP.
- E. The proposed CSP modification meets the criteria for a Comprehensive Sign Plan as the subject property contains unique or unusual physical conditions, exhibits unique characteristics of land use, site location and physical scale, and the proposed signage incorporates special design features that are integrated with the building architecture.
- F. The design of the proposed signs will help connect the multi-building development together and help patients find their way in the large medical complex.
- G. The proposed CSP modification will advance the goals and objectives of the General Plan. The proposed attached building sign for the Women’s Tower is also consistent with the location, size, design and operating characteristics of the property and will not be injurious or detrimental to the surrounding properties.

Consent Agenda Approved

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Glover-Reed-Hoffman

NAYS – None

ABSENT – Gunderson, Jones

ABSTAINED – None

- *4-g Case No.: BOA20-00808 (Approved with Conditions)**
Location: District 4. 1002 E. Main Street.
Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for a restaurant building 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 BOA20-00808 was made by Boardmember Hoffman as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Reed to approve the following conditions:

1. Compliance with the final site plan, elevations, and landscape 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.

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

- A. The site consists of three parcels zoned LC.
- B. The restaurant is existing and was developed within the mid to late 1950s.
- C. The applicants are proposing to build an outdoor seating area south of the existing building.
- D. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- E. Full compliance with current MZO would require significant alterations to the site including removal of parking spaces and alterations to the on-site circulation.
- F. Improvements to the existing site include landscape improvements around the perimeter or the site, within the parking field, and the foundation base areas adjacent to the building elevations, as well as façade improvements and additional parking spaces.
- 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 not create any new non-conformities.
- I. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Consent Agenda Approved

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Glover-Reed-Hoffman

NAYS – None

ABSENT – Gunderson, Jones

ABSTAINED – None

5 Items not on the Consent Agenda:

5-a Case No.: BOA21-00585 (Denial)

Location: District 1. 2811 E. Norwood Street.

Subject: Requesting a variance to allow a detached accessory building greater than 15-feet in height within the required side and rear yards in a Single Residence 9 (RS-9) District.

Decision: Denial.

Summary: This item was removed from the consent agenda and was discussed on an individual basis.

Chair Wagner opened the Public Hearing and the applicant was invited to speak on the case.

Mr. Brackman, who resides at 3597 East Long Horn Dr, Gilbert, AZ, stated the owner's request for this variance is based on the fact the existing garage, which was on the property when he bought the structure, is in a location that is in the side yard. It is not ideal for what he wants to do by having a higher garage. Another issue is the location of the pool. They have previously looked at trying to put the garage on the west side of the property and ran into issues there as well, because another driveway would be needed. The City of Mesa turned down that option because the new driveway would be too close to the corner coming off Lindsay and would result in too much driveway surface area in the front yard. Mr. Brackman also stated there is no other place the garage could be located and the applicant's whole intent is to have a car lift in the garage for his various cars/historical vehicle. They feel they have explored all other options.

Chair Wagner asked if there was an HOA restriction which would not allow cars to be parked on the street.

Mr. Brackman replied he did not know if there is an HOA restriction. He also stated it would not be ideal to park the applicant's cars/historic vehicle on the street, as the applicant wants to protect the cars from the elements and does not want to create a nuisance for his neighbors.

Boardmember Reed asked if there was a safety reason related to the requested increased garage height.

Mr. Brackman responded the reason for the increased height is to accommodate the ceiling clearance required by the desired car lift. He also stated they kept the requested height as low as possible and want to match the architectural look of the house with the same tile and upgrade the overall look of the garage.

Boardmember Reed asked if a flat roof could be a possibility.

Mr. Brackman stated his client would be agreeable to a flat roof but needs the height to accommodate a car lift.

Chair Wagner asked if they would still require the width extension to exceed 20 feet if a flat roof was created.

Mr. Brackman replied the width is not an as issue. It's the increased height that requires the variance.

Principal Planner Rachel Prelog clarified a flat roof would be subject to a 10-foot height and the measurement for flat roofs is to the top of the parapet vs. the midpoint of the roof if it's for a pitched roof.

Boardmember Reed asked staff member Bridges if the accessory building is a legal non-conforming use, right now as is, or does it meet requirements.

Staff member Bridges stated the existing detached structure meets the Mesa Zoning Ordinance requirements.

Chair Wagner inquired if anyone would like to suggest a change to the requested variance or request a motion to deny.

Boardmember Reed asked for clarification of the flat roof maximum height for an accessory building.

Staff member Bridges confirmed the maximum height for a detached structure is 10 feet if it's encroaching into both the side and rear setback.

Mr. Brackman stated he had not received any direct neighborhood feedback and inquired if the City had received any feedback.

Staff member Bridges stated she was not contacted by any neighbors concerning this case.

Boardmember Glover requested staff clarification that this request is for an additional 10 inches in height above the maximum allowable.

Staff member Bridges stated a detached accessory building within the side and rear yard setbacks has a maximum height of 10 feet measured to the midpoint of the roof if it is a pitched roof.

Principal Planner, Rachel Prelog, clarified the proposal is for 15 feet 10 inches. A 5-foot 10 inch increase above what is allowed.

Boardmember Reed asked the applicant if they had completed any studies to find out the height of other accessory structures in the neighborhood.

Mr. Brackman stated he had not and he is not aware of any neighbors with a higher building. He also stated there may be some out there and maybe some were built without approval. They're trying to do this the right way.

Chair Wagner asked if anyone else had anything to share and then stated she agreed with staff there is no special circumstances related to this request and called for a motion.

A motion to deny case BOA21-00585 was made by Boardmember Hoffman and seconded by Vice Chair Lynam.

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

- A. The house was built in the 1988 and meets all development standards for the RS-9 District.
- B. The existing 384 square foot, 10-foot tall, detached accessory structure on the subject site meets the MZO development standards per Section 11-30-17 and is setback 3 feet from the internal side and rear property lines.
- C. There are no special circumstances applicable to the property such as its size, shape, topography, location, or surrounding that would justify the variance request.
- D. The need for the variance is created by the property owner’s desire for a taller structure.
- E. Strict compliance with MZO development standards for the RS-9 District does not deprive the property of the ability to have a detached accessory structure.
- F. Granting of this variance request constitutes a special privilege inconsistent with MZO development standards for the RS-9 District.

Vote: 5-0

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Glover-Reed-Hoffman

NAYS – None

ABSENT – Gunderson, Jones

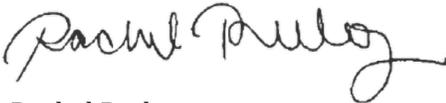
ABSTAINED – None

6 Items from citizens present: None

7 Adjournment.

Vice Chair Lynam moved to adjourn the Public Hearing and was seconded by Boardmember Hoffman. Without objection, the Public Hearing was adjourned at 5:53 p.m.

Respectfully submitted,



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