

Virtual Platform

Date: August 4, 2021 Time: 4:30 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 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 4, 2021.

***3-a Staff member Sean Pesek presented case BOA21-00389 to the Board.**

This is case BOA21-00389. This is a request for a Development Incentive Permit to allow for deviations to development standards to construct a coffee shop with drive-thru. The location is the southwest corner of the intersection of East University and North Stapley Drive. The General Plan character area designation for the site is Neighborhood, which is intended to provide safe places for people to live. It also allows for non-residential uses. The site is within the Central Main Street Plan and specifically, the Evolution Corridor. An adopted policy of that Plan is to improve the balance between pedestrian and automobile needs. The zoning on the property is Limited Commercial (LC) and the proposed use is allowed per Table 11-6-2 in the Mesa Zoning Ordinance. The first deviation the applicant has requested is a reduction to the landscape yard adjacent to a non-residential zoning district. That will apply to the west property line and the south property line. We'll start with the west. What is required is 15 feet, as far as width, and the applicant has proposed a 5-foot 6 inch perimeter landscape yard. Along the south property line, the same 15 feet is required. The

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applicant has proposed 10 feet. The next deviation is reduction to the front and street facing landscape yards. For an arterial, the requirement is 15 feet. The applicant has proposed a reduction to 7 feet 5 inches. That setback, or that yard, is measured from the future right-of-way line when they are established and in this case they are. Next, the applicant has requested a reduction to the required setback from intersections. In the code it's a 50-foot radius. With those street improvements and the future right-of-way line, that setback has been reduced to 20 feet. Lastly, there's a requirement that trash enclosures cannot be within any landscaped areas. The proposed trash enclosure is within the landscaped area on the south property line. For Development Incentive Permits the site must meet certain criteria. First, the total area of the parcel can't exceed 2.5 acres and the parcel has to be in its current configuration for more than 10 years. The subject property is just over half an acre, so that criteria is met, and it has been in its current configuration for more than 10 years. The second criteria is that the parcel is served by or has direct access to existing utilities. Being next to Stapley and University, it will have direct access to public utility lines. The third, the total developable land area (within a 1200-foot radius of the site) cannot be more than 25% vacant and more than half of those lots or parcels within that buffer have to be developed 15 or more years ago. Per a comparison of aerials from 2020 and 2004 you can see not much has changed over that time span. More than half of those lots have been developed 15 or more years ago and not more than 25% of those lots within that buffer are vacant. The required findings for a Development Incentive Permit include the proposal has to comply with the General Plan and other applicable Council adopted plans and the permitted uses. Staff finds that this criteria is met. The second is that the incentives do not allow development that is more intense than the surrounding neighborhood and it has to be commensurate with existing development within a 1200-foot radius of the bypassed property. Staff finds this criterion is met. Then last, the architectural elements, construction, landscape materials, and other site improvements meet the intent of the design standards of this ordinance. Staff finds this criterion is also met. With that staff recommends approval with conditions. I'd be happy to answer any questions.

Boardmember Hoffman asked what the distance is from the road and stated she is trying to get a sense of how close that new right-of-way and edge of the property is actually going to be to the roadway.

Staff member Pesek responded the distance between the existing right-of-way and the future right-of-way line is 15 feet and the distance from the future right-of-way line, at the closest point of the drive aisle, looks like 7 feet and 11 inches.

***3-b Staff member Charlotte Bridges presented case BOA21-00482 to the Board.**

This is case BOA21-00482. This is an existing property located at 1231 West Baseline Road. It's approximately 200 feet west of Baseline Road on the south side and it is located within the Dobson Ranch Community. You may be familiar with this site, it was a previous location for a Denny's and I think before that a Grandy's but it has been vacant for 10 years or more. The General Plan designation for this property is Mixed Use Activity District. The goal of the Mixed Use Activity District is to create strong and viable commercial activity centers and provide unique shopping and entertainment experiences. Zoning on the property is LC-PAD. A limited service restaurant with a drive-thru lane is a permitted use in the LC District. Once again this is located within the Dobson Ranch area. Dobson Ranch is covered by what we call a Planned Area Development. That is the reason for the Limited Commercial Planned Area Development zoning district. This is a request for a SCIP, which allows for deviations from our current development standards for the re-establishment of a drive-thru lane at an existing restaurant building. A drive-thru lane was

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permitted at this site back in 1984. We're not sure if it was constructed or not constructed. The new tenant would like to reinstate the use of a drive-thru on the property and that's prompting the need for the SCIP application. The SCIP request is to reduce the perimeter landscape widths. Once again, this site was actually developed in 1984 under a much older Zoning Ordinance that doesn't have the same perimeter landscaping area requirements that we have today. Thus, the need for the SCIP. It's also reducing the quantities of material in those landscape areas, pretty much because they can't support the number of trees and shrubs that our ordinance requires because they're too skinny. Also reduced foundation base, once again this building was constructed when we did not have a foundation base requirement, and to make the site come up to conformance now would require major demolition of existing improvements. The site improvements that are being offered are the new drive-thru lane. It will wrap around from the west side, around the rear, along to the east side of the building. The site plan shows the drive-thru line separated by a 5-foot median along the east side of the project. It will transition from that raised 5-foot median to a striped medium in the rear. There will be some demarcation between the drive-thru lane and the adjacent one-way drive aisle on the south side of the building. The existing landscape areas will be replanted per the landscape plan that's in the packet. The site will be brought into closer conformance with two new landscape islands located on either side of that head-in parking adjacent to the north side of the building. The landscape plan shows where most of those new landscape improvements are going to be planted. Along the rear is an existing hedge of oleanders and that is going to remain. Per Section 11-73-3 of the Zoning Ordinance the site does comply with the criteria for a Substantial Conformance Improvement Permit. First, significant alterations to the site including demolition of the building, parking areas, and on-site circulation would need to occur to bring the site into full conformance with current MZO Development Standards. Secondly, the full compliance and current development standards would not allow redevelopment of the site to accommodate a permitted use. The site plan from 1984 for a limited service restaurant with drive-thru facility was approved for the site. This request allows the building and the site to be occupied in its original intended use. Therefore, no new non-conforming conditions will be created with the redevelopment of the site. Finally, the proposed improvements bring the site into further compliance with Mesa's Zoning Ordinance current development standards and enhance the appearance of the site. Staff does not believe the proposed request will be detrimental to adjacent properties or neighborhoods. In summary, we find the proposed application complies with the 2040 Mesa General Plan and the criteria for a SCIP as outlined in Chapter 73 in the Mesa Zoning Ordinance. Staff is recommending approval with conditions. I'd be happy to answer any questions you might have about the project.

Chair Wagner asked if the drive-thru canopy would be rebuilt if it fell during demo of the interior.

Staff member Bridges replied per the proposed elevations if the existing canopy could not be salvaged it would be rebuilt.

***3-c Case BOA21-00487 was continued to the September 1, 2021 Public Hearing.**

***3-d Staff member Jennifer Gniffke presented case BOA21-00512 to the Board.**

This is case BOA21-00512. The location is 1242 West University Drive. It's approximately 300 feet west of Alma School Road on the north side of University Drive. The General Plan land use designation is Mixed Use Activity, the purpose of which is to build strong and viable commercial centers and to provide unique shopping and entertainment experiences. The existing zoning for the property is Limited Commercial. The proposed restaurant with drive-thru facilities is a permitted use in the LC zoning district. This request is for a Substantial Conformance Improvement Permit which allows for deviations to the development standards. This is for the reestablishment of a

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previously existing drive-thru at an existing restaurant building. This site used to be a Burger King restaurant in the 80s and then it was converted into a Titlemax lending business in, I believe, 2013. The site has been vacant for a couple of years. When the site was converted from the Burger King to the Titlemax business, the drive-thru that Burger King had was filled in with gravel so they no longer utilize that drive-thru lane. Now they would like to reestablish it. Right now the drive-thru is serving as a parking space. It has a curb at the end of it but that is proposed to be opened up and made into the drive-thru lane. The requested Substantial Conformance Improvement Permit is to allow for a few different modifications to code. Those include a reduced number of parking spaces, a reduced setback from the entrance drive at the front property line to the first parking space, and a reduction in the foundation base width on the east side of the building. The number of parking spaces required on the site for the restaurant with a drive-thru is 32 spaces. The site plan shows 17 proposed spaces on the site. Staff is recommending 16 spaces rather than 17. The reason for that is the Transportation Division requested the southernmost space shown on the site plan on the east side of the building be removed to provide greater safety for the entrance drive. The number of spaces will be 16. The parcel does have cross access and shared parking agreements with the surrounding property so they should have adequate parking. The foundation base on the east side of the building is required per our current code to be 15 feet wide because it's at the entrance elevation of a building. The plans do not meet that criteria. However, that is one of the Substantial Conformance Improvement Permit requests, for a reduction to that. Some of the improvements proposed for the property include installing new gates for the existing solid waste enclosure north of the building, a new screen wall south of the drive-thru, and new bike racks proposed west of the outdoor seating area. The landscape plan shows a new 7-foot-wide landscape median west of the drive-thru lane. If the drive-thru was reestablished in its current location, and the existing curbing were left in place, the 7-foot-wide landscape median would not be provided. This proposal is to widen that area and provide landscaping there to meet code. They're also providing increased landscape areas at the end of the drive-thru lane to bring this site into conformance with code for the landscaping. Per Section 11-73-3 of the Mesa Zoning Ordinance there are four criteria that need to be met to approve a SCIP. The first one is that significant alterations to this site would need to occur to bring this site into full conformance with the current Mesa Zoning Ordinance development standards. That speaks to the foundation base width on the east side of the building. If the foundation base were required that would require significant alterations to the site. Full compliance would discourage the redevelopment of the site. No new non-conforming conditions will be created with the reestablishment of the drive-thru facilities and the proposed request is compatible with and not detrimental to the adjacent properties or the neighborhood. In summary, the request complies with the 2040 Mesa General Plan. It meets the criteria outlined in Chapter 73 of the Mesa Zoning Ordinance and staff recommends approval with conditions. I'm happy to answer any questions.

Board member Glover asked if there's enough room for cars in the drive-thru before they start encroaching onto the adjacent property and stated it's not unusual to see five or six or however many cars lined up. He is not quite sure how that's going to work with the adjoining property and the ingress and egress.

Staff member Gniffke replied she did read through the cross-access agreement. It does allow for patrons of all of the different businesses to utilize the site, across the property lines, to access different businesses so she believes the cross-access agreement would cover that. But speaking just to the code, there is a requirement for a 40-foot stacking distance behind the order board to the entrance of the drive-thru and they do meet that requirement.

***3-e Staff member Charlotte Bridges presented case BOA21-00585 to the Board.**

This is case BOA21-00585. The site is located at 2811 East Norwood Street, which is the southeast corner of Lindsey Road and Norwood. Norwood is just south of McDowell Road and it's on the east side of Lindsay. It is within the Vista Mesa subdivision. The General Plan designation for this area is Neighborhood and the goal of the Neighborhood character area is to provide safe places to live and a variety of housing. The zoning on the property is Single Residence 9 (RS-9). There is an existing single residence and an existing detached accessory building on the property. All the structures on the property are in compliance with the current Mesa Zoning Ordinance for the RS-9 zoning district. This request is for a Variance. The Variance would allow a detached accessory building greater than 15 feet in height within the required side and rear yard setbacks. The applicant is proposing to modify the existing detached accessory building by adding an addition on to the west side of the property. But more importantly, increasing the height to the midpoint of the roof measuring 15 feet 10 inches. The peak is higher.; the peak is at 18 feet 2 inches. Per the Mesa Zoning Ordinance structures that exceed 15 feet in height are not allowed to encroach within the side and rear yards of the RS-9 District or any other single family residential district. The site plan shows the existing layout of the property. It shows the footprint of the existing home as well as the location of the existing garage. The distance from the existing walls to the adjacent property lines are 3 feet. The existing structure and the proposed structure do meet the 6-foot separation requirement from the house. But once again, it is exceeding the allowed height in the side and rear yard setbacks. Per the Mesa Zoning Ordinance requirements, in the RS-9 district, the minimum side yard setback should be 7 feet and when located in the rear quarter of the lot, which is the rear 32 feet 6 inches, and within the side yard setback, the maximum height is 10 feet. Ten feet is measured to the midpoint of the roof. That's how the Zoning Ordinance measures height, and once again, it does meet the 6-foot separation from the main building. The first criteria of the Mesa Zoning Ordinance for a Variance states there are no special circumstances applicable to the property including the size, shape, topography, location, or surroundings. Based on staff analysis the subject site does not have physical constraints nor displays unique conditions that would justify the Variance request. The lot exceeds the minimum lot size and dimensions for the RS-9 district. It is developed in accordance with all applicable standards including setback height and size limitations of the existing accessory structure. To the second criteria, the existing structure on the site meets Mesa Zoning Ordinance's development standards for the RS-9 district and the need for the Variance is created by the property owner's desire to modify the height of that existing detached accessory structure. To the third criteria, other properties within the RS-9 district must adhere to the same development standards as outlined in Section 11-30-17 of the Mesa Zoning Ordinance to build an accessory structure greater than 15 feet in height, which entails locating the structure outside of the rear and side yard setbacks. In fact, that section of the Zoning Ordinance, 11-30-17, contains a range of scenarios, four to be in fact, regarding permissible height and location for proposed detached structures. The applicant and other residents may construct a detached structure greater than 15 feet within the buildable area of their lot. The final criteria, all properties in the RS-9 district must adhere to the same development standards of Section 11-30-17 for the construction of a detached accessory building. Once again, there's no unique or special circumstances applicable to the property that warrants deviation from that Mesa Zoning Ordinance development standards. Based on this analysis, staff is not in support of this project because it does not meet our Variance criteria. I'd be happy to answer any questions you may have about this project.

Vice Chair Lynam asked if the rear setback requirement is the same as the 7-foot side setback requirement.

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Staff member Bridges stated in the RS-9 district the side yard setbacks are a minimum of 7 feet on one side and both side yards together must total at least 17 feet. If it's 7 on that east side, then the minimum setback would be 10 on the west side. The distance from the existing property line to the existing house is much greater than 10 feet at this point.

Chair Wagner asked if the applicant was unable to park the cars on the street due to HOA requirements and also questioned how the HOA felt about the height?

Staff member Bridges stated she is not familiar with the HOA requirements for the subdivision and suggested the applicant may be able to respond to those questions. Also, in the City of Mesa you are allowed to park on a public street.

***3-f Staff member Sean Pesek presented case BOA21-00596 to the Board.**

This is BOA21-00596. This is a request for a Special Use Permit to modify an existing Comprehensive Sign Plan for the Banner Desert Medical Center in Mesa. It's located within the 2000 to 2300 blocks of West Southern Avenue on the south side and within the 1200 to 1600 blocks of South Dobson Road on the west side. The General Plan character area designation is a Specialty District and that's intended for large areas with single use such as medical facility. The development maintains a campus feel and there's a consistency in landscaping, signage, and high-quality building design and materials. The zoning on the property is Neighborhood Commercial (NC) and has a Planned Area Development overlay. The Medical Center has requested a modification to the existing Comprehensive Sign Plan to allow for one new wall sign that exceeds the maximum allowable sign area for attached signs. Per the Mesa Zoning Ordinance, the maximum sign area is 160 square feet. This new wall sign they're proposing to construct on the Woman's Tower is 366 square feet., but the request also includes replacement of four existing wall signs. They've identified signs they want to refurbish and they've identified signs they want to remove and not replace as part of this CSP modification. Three of their replaced signs will actually result in a smaller sign area, only one of them results in a larger sign area. That's because they're combining two signs into one essentially. The new wall sign for the Women's Tower will include their new logo, same location, just a different logo. Twenty-seven existing directional signs will be refurbished with new paneling due to sun fade and nothing else about the signs is changing. They're just updating those panels, making them look new. No additional ground signs will be installed for the CSP. They're just refurbishing and removing not adding any new ground signs. This is for a modification of a Comprehensive Sign Plan. Based on approval criteria the site has to contain unique or unusual physical conditions that would limit or restrict normal sign visibility. This site is part of a large medical complex with frontage on Dobson Road. The Woman's Tower is set back about 400 feet from Dobson Road which restricts sign visibility for the new Woman's Tower, which is a reason why they want to exceed what's allowed as far as sign area. The next criteria is the development exhibits unique characteristics of land use that represent a clear variation from conventional development. We find that the Medical Center encompasses over 71 acres of land and this Woman's Tower expansion project will add about 5 stories to the existing Children's Medical Center, and therefore exhibits a unique characteristic to the site location and physical scale. Lastly, the proposed signage incorporates special design features that reinforce or are integrated with the building architecture. Staff finds that the proposed CSP modifications for that new wall sign will reinforce the existing building architecture. It will be compatible with the existing wall and ground signs throughout the medical campus. The request must also meet the criteria for a Special Use Permit. Staff finds that the project advances the goals and objectives of the General Plan and other city adopted plans or policies. The location size design and operating characteristics are consistent with the purposes of the district and it will conform to the General Plan and any other adopted city

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plans or policies. The project will not be detrimental the surrounding properties neighborhood the order the general welfare of the city, and adequate public services will be available. Staff finds that the request complies with approval for CSP modification and for a Special Use Permit and will advance the goals and objectives of the Mesa 2040 General Plan and staff recommends approval with conditions.

Board member Hoffman asked how much larger the new sign is than the current sign and stated she is having a hard time visualizing how much larger the new sign would be.

Staff member Pesek responded, the existing wall sign area is 214 square feet and the proposed sign area is 334 square feet. That's a little over 100 square feet difference in sign area. He also stated they are combining the current Banner Health sign with logo and the Children's Medical Center sign into just one sign that says Banner Children's with logo.

Boardmember Hoffman requested clarification that this request is for something substantially larger.

Staff member Pesek replied it is substantially larger than what is existing. It's about over 100 square foot.

Boardmember Glover asked if any of signs were illuminated now or to be illuminated.

Staff member Pesek stated the new sign will be illuminated with white LEDs.

Boardmember Glover inquired if the City of Mesa's Zoning Ordinance, or other governing documents referencing signage, specify an allowance for the distance from the roadway.

Staff member Pesek stated it probably does address it in Article 5, but the standards really apply to signs right next to the roadway. In this case, these signs are pushed pretty far back from Dobson and Southern.

Principal Planner Rachel Prelog stated in the Zoning Ordinance, it's based on the linear feet of the building itself. There are no provisions for how far back it's placed. That's what the CSP is able to accomplish in those special circumstances where the visibility might be limited to allow some deviation there.

***3-g Staff member Kellie Rorex presented case BOA20-00808 to the Board.**

This is case BOA20-00808. The subject site is located on the northwest corner of Main Street and North Miller Street. The General Plan character area is Neighborhood, Transit Corridor, and Station character area. These areas are typically for single residence uses but they may contain commercial uses on the arterial frontage which the site complies with. The site is also within the Central Main Street Area Plan and developments should create a mixed-use pedestrian-friendly urban environment within walking distance at the light rail stations. The site is zoned Limited Commercial (LC) and a restaurant with an outdoor seating area is a permitted use in the LC district. The request before you tonight is for Substantial Conformance Improvement Permit and this will allow deviations to development standards for the redevelopment of a restaurant with the outdoor seating area expansion. This request for a SCIP includes the following deviations. Reduced landscape area adjacent to the north and west property lines. Reduced building setbacks along North Miller Street. Reduced perimeter landscaping along the west property line. Reduced

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foundation base west of the building. Providing landscape islands every nine spaces. No parking lot screening wall along the Miller side. Lastly, a reduced setback of cross drive aisles from Miller and Main Street. The applicant will be developing 1,029 square foot covered patio south of the building along Main Street. They will be providing new parking lot striping and landscape islands to bring the site further into conformance. They're providing new foundation base area along the north side of the building and they're also providing a new pedestrian crosswalk. This site is very narrow, so they weren't able to put the foundation base on the west side of the building, so to make it safer for pedestrians they included the pedestrian walkway. Per the landscape plan they'll be providing new perimeter landscaping around the entire site. They are doing new parking lot landscaping and new foundation base landscaping as well that will bring the site further into conformance with landscaping requirements. They're making several facade repairs. They're providing new awnings and new paint. This will really update this corner and will bring more interest on Main Street and provide a more urban development. Significant alterations to the site would need to occur to bring the site into full conformance with code which would then discourage redevelopment on the site. This building was originally developed in the 1950s and its been in its current configuration since then. No new non-conforming conditions will be created with the reconstruction of the restaurant building or the patio expansion. The proposed request is compatible with and not detrimental to adjacent properties or neighborhood, it will actually be improving the area. Staff finds that the request complies with the 2040 Mesa General Plan and that meets the criteria outlined in Chapter 73 of the Mesa Zoning Ordinance for a SCIP. Staff recommends approval with conditions.

4 Adjournment.

Boardmember Hoffman moved to adjourn the Study Session and was seconded by Boardmember Lynam. Without objection, the Study Session was adjourned at 5:17 p.m.

Respectfully submitted,



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