



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

August 2, 2023

CASE No.: BOA23-00397	PROJECT NAME: GF HUT PHX 115
Owner's Name:	Michael Crawford, Buckhorn Elks Lodge
Applicant's Name:	Robert Vaccaro, BHC
Location of Request:	Within the 6700 block of East Avalon Street (south side). Located north of East Main Street and west of Power Road.
Parcel No(s):	141-58-164
Nature of Request:	Requesting a Special Use Permit and a Development Incentive Permit to allow for the installation of a freestanding communications facility in the Limited Commercial (LC) District.
Zoning District:	Limited Commercial (LC)
Council District:	2
Site Size:	0.22 ± acres
Existing Use:	Vacant land
Hearing Date(s):	August 2, 2023
Staff Planner:	Chloe Durfee Daniel, Planner II
Staff Recommendation:	Approval with Conditions

HISTORY

On December 16, 1974, the City Council annexed 3,956± acres, including the subject parcel (Ordinance No. 907).

On May 19, 1975, the City Council established zoning on 16.73± acres of newly annexed land from Maricopa County (R1-6), C-2 (now known as Limited Commercial), and C-3 (now known as General Commercial to Limited Commercial (LC) and General Commercial (GC). (Case No. Z75-030; Ordinance No. 936).

Background:

The existing site is currently being used as overflow parking for the lodge facility that is located across the street. With this proposal, the applicant is requesting a SUP for a freestanding communication facility and a Developmental Incentive Permit (DIP) to help with the development of a smaller site that would have difficulty meeting current development standards. The current

applicant is developing the site with the freestanding communication facility, sidewalks, landscaping, retention, and parking. The communication facility will be unmanned and located on the southwest corner of the vacant lot that serves the nearby lodge, with access on the east side to Sunaire. The equipment for the facility will be installed within a 360 square foot pre-manufactured utility structure on a concrete foundation and will serve residents remotely. The facility will be screened from public view by an 8’ high CMU block wall to match the nearby block wall on the neighboring property and landscaping, with two (2) access gates. The applicant is also seeking site plan review approval with ZON23-00410.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property falls under Neighborhood. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The freestanding communication facility use conforms with the intent for the General Plan character areas.

This site is also located within a Station Area and a Transit corridor. The Station Area subtype is generally located within ¼ of a mile of a light rail station or 1/8 mile of a transit or major bus transfer station while the Corridor subtype applies to development of the corridors between stations and stops. The focus in this character type is to develop a mixed-use, pedestrian-oriented, urban environment, particularly within walking distance of transit stops. This character type overlays the other character types and is used to transition the area into a more transit and pedestrian oriented development form. This development conforms with the intent of the General Plan by helping provide essential communication facilities to a more focused and urban environment.

Site Characteristics:

The subject parcel is vacant and currently used as overflow parking for an existing lodge across the street. The freestanding communication facility will be located to the south of the parcel. The facility will be screened from view by a screen wall that matches the wall nearby and landscaping.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest Maricopa County (Across Avalon Street) Lodge</p>	<p>North Maricopa County (Across Avalon Street) Lodge</p>	<p>Northeast Maricopa County (Across Avalon Street and Sunaire) Office</p>
<p>West (Across Gilbert Road) LC Vacant</p>	<p>Subject Property LC Vacant</p>	<p>East (Across Sunaire) LC Vacant</p>
<p>Southwest LC Restaurant</p>	<p>South LC Restaurant</p>	<p>Southeast (Across Sunaire) LC Restaurant</p>

Mesa Zoning Ordinance Requirements and Regulations:
Zoning Ordinance, Section 11-70-5 – Special Use Permit for a freestanding communication facility:

Per Section 11-70-5(E) of the MZO, the Board of Adjustment shall find upon sufficient evidence that the proposed SUP will meet all of the following criteria:

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 plans or policies;

The General Plan character area designations for the property are Neighborhood, Station Area, and Transit Corridor. Per Chapter 7 of the General Plan, the Neighborhood character area includes not only housing but also associated non-residential uses to serve those living in the area while the Transit Districts focus on creating a more mixed use, pedestrian oriented, urban environment. The freestanding communications facility is intended to provide fiber internet services to not only those nearby, but also the greater area of the City of Mesa. The proposal advances the goals and objectives of the character areas and the Mesa 2040 General Plan.

The request meets this criterion.

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 communications facility is proposed to be 360 square feet in size and located on a currently vacant parcel south of the lodge facility that it serves as overflow parking for. The communications facility will be screened by an 8' higher perimeter wall, which will be made of a block wall to match the wall screening the neighboring parcel. The proposed use is consistent with the purpose of the district and conforms with the General Plan and other City policies.

The request meets this criterion.

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 purpose of the placement of the project was to best minimize the visibility of the facility and will not be injurious or detrimental to the adjacent or surrounding properties.

The request meets this criterion.

4. Adequate public services, public facilities, and public infrastructure are available to serve the proposed project.

Adequate City of Mesa public services, facilities, and infrastructure are available on site as needed.

The request meets this criterion.

Development Incentive Permit (DIP) Section 11-72 of the MZO

The purpose of a DIP is to provide incentives for smaller tracts of land that would have difficulty meeting current development standards. To qualify for consideration, a parcel must meet the criteria set forth in Section 11-72-1 of the MZO. After review of the application, the subject property qualifies as a by-passed parcel as it is less than 2.5 acres in size and has been in its current configuration for more than 10 years. The lot has direct access to City utilities; is within an area where not more than 25% of developable land is vacant, and more than 50% of the surrounding parcels have been developed for more than 15 years. The requested modifications will result in a development that is commensurate with existing development in the area.

Table 1 below compares MZO requirements, the applicant’s proposal, and staff’s recommendation for the subject property. Items in bold face type indicate deviation from code requirements:

Table 1: Development Standards

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
Perimeter Landscape Yard Reduction – MZO Section 11-33-3.B.2 East Property Line West Property Line North Property Line South Property Line	15 feet	7.05 feet 10 feet 10 feet 10 feet	As proposed
Setback Reduction – MZO Section 11-6-3.A East Property Line West Property Line South Property Line	15 feet	18.05 feet 10 feet 10.16 feet	As proposed
Minimum Number of Parking Spaces – MZO Section 11-32-3.E	4 spaces	1 space	As proposed

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
Setback of Cross Drive Aisles– MZO Section 11-32-4.A	50 feet	7.05 feet	As proposed
Parking Location – MZO Section 11-6-3.B.4.d	Must be in rear behind the building	In front of the building	As proposed
Bicycle Required Parking MZO Section 11-32-8	1 space	Zero spaces	As proposed
Planting Requirement for the Western Property Line (160 linear feet) 3 non-deciduous trees per 100 LF 50% of trees at min 24" box size 20 shrubs per 100 LF 50% of yard coverage (SF)	4.8 trees 2.4 trees 32 shrubs 50% planted	3 trees 3 trees 14 shrubs 27% planted	As proposed
South Property Line Planting	Per code	No plant zone due to existing utility easement	As proposed

Pursuant to Section 11-72-1 of the MZO, a Development Incentive Permit (DIP) may be approved to allow incentives for the development of parcels that meet the following criteria:

A. AREA

1. Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years; or
2. Total area of the site does not exceed 5 net acres and was created by the assembly of 2 or more individual, contiguous parcels.

The subject property is 0.22± acres and has been in its current configuration for more than 10 years according to Maricopa County aerals.

The request complies with this criterion.

- B. UTILITIES. The parcel is served by, or has direct access to, existing utility distribution facilities.

The parcel has access to City of Mesa utilities.

The request complies with this criterion.

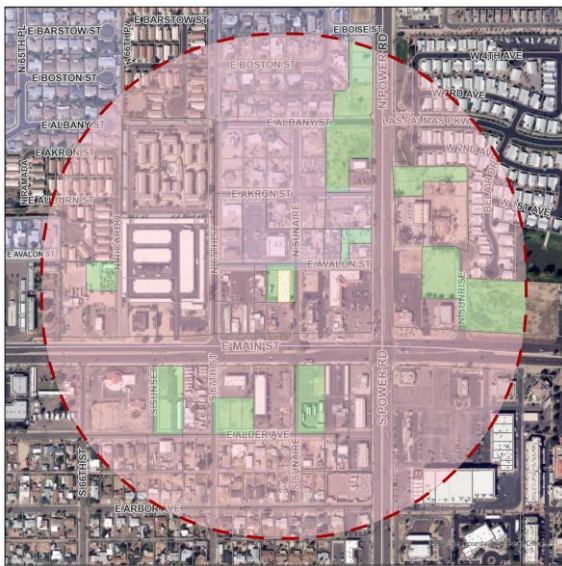
- C. SURROUNDING DEVELOPMENT. The parcel is surrounded by properties within a 1,200-foot radius in which:

1. The total developable land area is not more than 25 percent vacant; and
2. Greater than 50 percent of the total number of lots or parcels have been developed 15 or more years ago.

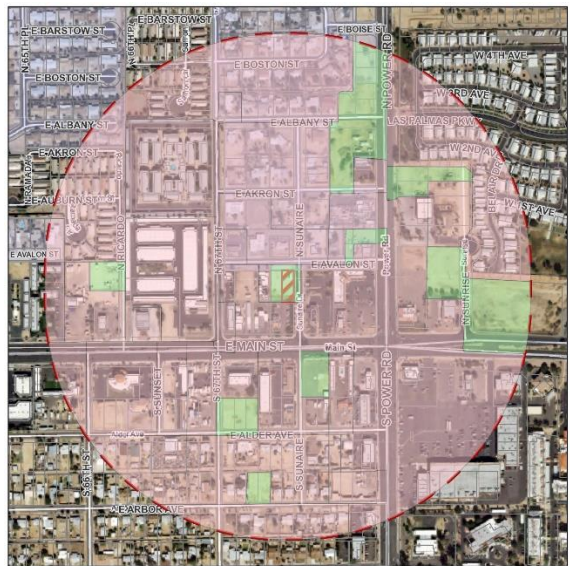
Based on current aerial photography, the total developable land area (within the 1,200-foot radius of the subject property) is less than 25% vacant. Additionally, after comparing the 15-year historical aerial photo with the current aerial photo, staff determined that more than half of the total number of lots (within the 1,200-foot radius of the subject property) were developed more than 15 years ago.

The request complies with this criterion.

2022 Aerial Photo



15-year Historical Aerial Photo



Per Section 11-72-3 of the MZO, the Board of Adjustment shall find upon sufficient evidence when making a decision on a DIP that:

1. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/policies, and the permitted uses as specified in this Ordinance;

The proposed development is consistent with the General Plan's Neighborhood character area designation; a freestanding communication facility is an allowed use in the LC District.

The request complies with this criterion.

2. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1,200-foot radius of the by-passed property; and

The incentives will allow development that is commensurate with existing development within 1,200 feet radius of the property. The size of the proposed project is consistent with other uses in the area. The proposed development will be compatible with surrounding development.

The request complies with this criterion.

3. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.

The proposed project meets the intent of the Design Standards of the MZO.

The request complies with this criterion.

Findings:

- A. The property was annexed into the City of Mesa in 1974 as part of a greater 3,956± acre area and subsequently zoned Limited Commercial (LC) and General Commercial (GC).
- B. The subject site is a smaller tract of land that would have difficulty meeting current development standards, having been bypassed by previous developments, and where land assembly either is not available, or is available only to a limited extent. Development Incentive Permits (DIPs) may be approved to allow incentives for the development of parcels that meet the following criteria:
 - a. Area. 1. Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years; or 2. Total area of the site does not exceed 5 net acres and was created by the assembly of 2 or more individual, contiguous parcels.
 - b. Utilities. The parcel is served by, or has direct access to, existing utility distribution facilities.
 - c. Surrounding Development. The parcel is surrounded by properties within a 1,200-foot radius in which:
 - i. The total developable land area is not more than 25 percent vacant; and

- ii. Greater than 50 percent of the total numbers of lots or parcels have been developed 15 or more years ago.
- F. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/policies, and the permitted uses as specified in this Ordinance;
- G. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1200-foot radius of the by-passed property; and,
- H. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.
- I. 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;
- J. 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 any other applicable City plan or policies;
- K. 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
- L. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Neighborhood Participation Plan and Public Comments:

The applicant sent the required notification letters to all property owners within 500 feet of the site. As of this report, staff has not been contacted by any resident to express support or opposition to the request.

Staff Recommendation:

Based upon the application received and preceding analysis, staff find that the request will comply with the Mesa 2040 General Plan and the criteria for Special Use Permits outlined in Section 11-70-5 of the MZO as well as the required findings for a Development Incentive Permit outlined in Section 11-72-3 of the MZO. Therefore, staff recommends **approval** with the following conditions:

1. Compliance with the final documents submitted with this application.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
4. Compliance with all requirements of ZON23-00410.

Exhibits:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Narrative and Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan

Exhibit 6 – Elevations

Exhibit 7 – Color and Material Board

Exhibit 8 – DIP Maps