

Mesa Council Chambers Lower Level – 57 E 1st St

Date: November 3, 2021 Time: 4:30 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Boardmember Adam Gunderson

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

STAFF PRESENT:

*Margaret Robertson
Rachel Prelog
Michelle Dahlke
Alexis Jacobs
Charlotte Bridges
Chloe Durfee-Sherman
Joshua Grandlienard
Robert Mansolilo

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 November 3, 2021.

***3-a Staff member Chloe Durfee-Sherman presented case BOA21-00758 to the Board.**

This is case BOA21-00758. This is a Special Use Permit request for a reduced rear setback and to exceed the height limit in the AG-PAD Zoning District to allow for the placement of a 70-foot wireless communication facility. This is located at 9730 East Elliott Road just west of Crismon Road and north of Elliott Road. This is a City owned Parks and Rec retention basin.

The overall character area within the General Plan is Employment which usually provides a wide range of employment opportunities and high-quality settings. It also falls within the Mesa Gateway Strategic Development Plan area, and this has been used to establish a vision for the growth of this unique area and the framework for future environmental, social and economic sustainability.

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As we said this is that within the Agricultural District within a Planned Area Development, the allowed height limit within this zoning is 30 feet. This wireless communication facility is being proposed as a monoelm, to be 70 feet. It is currently being located on the northwest side of the overall retention basin on the western basin, the overall compound is 18 feet from the north property line, which is allowed even though the rear setback is 60 feet because of allowed Code. Exceptions of up to 30% of the setback when a stealth or camouflage facility is used and is meeting all other setback requirements.

This is the coverage map which shows the differences between adding this new wireless communication facility and without it. Then separation wise, it is more than 6,000 feet away from an existing wireless communication facility the setback requirements from any residential is the height of the pole plus one foot. The tower is over 2,000-feet from any residential as well as setback from the right-of-way to over 600 feet. The design that's been proposed is a monoelm; it's an alternative stealth design, or sorry, alternative stealth designs were not possible. Within the staff report and their narrative the applicant went through several different possible options and things that they tried and either property owners were not interested or didn't want to have the use on their properties. The colors chosen for this monoelm were chosen to blend in with the existing plants in the area and additional landscaping has been provided as part of requirements and to try and help the monoelm blend in with the area more. This is the existing view looking south from the residential up north. You can just barely see the 70-foot monoelm peeking over the building that's right in front of it. This is another view looking north from Elliott Road. And then the final view provided was looking northwest from Crismon Road. This is on the other side of both retention basins and so across the park planned.

It does meet Section 11-70-5(E) for the Special Use Permit criteria. The project will advance the goals and objectives of the General Plan and other City plans and ordinances. Location, size, design and operating characteristics are consistent with the purposes of the district where it is located and conform with the General Plan and any other applicable city plans or policies. The project will not be injurious or detrimental to the surrounding properties in the neighborhood, or the general welfare of the city and adequate public services, public facilities and public infrastructure are available. This project does comply with a 2040 Mesa General Plan. It applies or it meets the approval criteria listed for the SUP. And it also complies with Section 11-35-5 of the Zoning Ordinance that talks about location design and operation requirements for wireless communication facilities. Staff recommends approval with conditions.

Boardmember Hoffman: Can I get clarification on the coverage maps?

Chloe Durfee-Sherman: The property it's going to be adding these coverages to is this purple, the green and then this lighter blue, are where there is coverage. It's just from these facilities over here that are providing it so it's going to be covering a more focused area right around where the site is being proposed.

Chair Wagner: Are the surrounding towers on this coverage map also all monoelm design?

Chloe Durfee-Sherman: Code does offer, I believe six different design preferences as well as several different location preferences depending on the zoning district and what's around it also meeting other requirements such as being setback from right-of-way or residential areas for certain different designs. And so part of those justifications is the applicant providing why they chose the preference and what they did to try and get to it other preference or hire preferred option where sometimes those are not available, they will go to other options just as these applicants did.

***3-b Staff member Charlotte Bridges presented case BOA21-00827 to the Board.**

This is case BOA21-00827. The site is located at 2401 and 2403 East Brown Road. It's located at the southwest corner of Gaylord and Brown Road. And Gaylord is approximately a half mile between Gilbert and Lindsay Road and it's on the south side of Gilbert or excuse me, Brown.

The General Plan designation for this property is Neighborhood, the Neighborhood Character Area, as a part of the goals and purposes of that character area, is to provide safe places to live, a variety of housing and it also allows for non-residential uses that serve the surrounding neighborhood. The property itself is zoned Single Residents District 9 and there is an existing private school use on the property and that use is permitted in the RS-9 zoning district.

This request is first a SCIP (Substantial Conformance Improvement Permit) and Alternative Compliance for the elevations proposed elevations for the for the factory-built building. The purpose of the SCIP is to allow deviations from development standards for the expansion of the private school. The existing private school site is non-conforming, meaning it doesn't meet current Zoning Ordinance requirements. The SCIP allows for modifying the existing code to allow those existing non-conformities while the new improvement is required to meet current Mesa Zoning Ordinance requirements. As far as the elevations, the request for Alternative Compliance is specifically for the roof articulation. And then for the amount of materials used on each of the different facades of the building. This is a photo of the site looking from the north side of Brown, south towards the property. You can see there's mature trees, I want to point out there's not a lot of shrubs though. Our Zoning Ordinance does require trees and shrubs adjacent to the public right-of-way. This is looking from the east side of Gaylord Street across, west towards the site on the drive aisle on the left-hand side of the photo. That's the access into the site and then there's an also an access out onto Brown. This is still on Brown, I'm sorry, this is still on Brown. So that drive is that exit drive or the drive on Brown, and it's more towards the west portion of the site. And then this is the Gaylord. This is the photo from Gaylord looking west towards the site.

The requested SCIP is to reduce the landscape merit material adjacent to Brown Road, reduce landscape material adjacent to Gaylord, reduced landscape area and material adjacent to the south property line, and reduced landscape material adjacent to the west property line. This is a site plan of the site, and it shows the new classroom building in red over on the right-hand side of this, of the site plan, or the west side of the site. No other changes are proposed on the site plan. The landscape plan shows the locations of the existing mature trees. As a part of this request. Staff is recommending additional shrubs to bring the streetscape adjacent to Brown and adjacent to Gaylord closer into compliance with current Code. The Code itself is going to require approximately 70 shrubs along Brown. There are some existing, so they'll just be responsible for planting the difference. And then additional shrubs on, 27 additional shrubs, on Gaylord. There aren't as many shrubs on Gaylord. So they end up planting most of those shrubs on Gaylord.

As part of the approval criteria for a SCIP, they meet the criteria. Significant alterations would be required if the site were brought up to current Code. There would be major changes to the parking lot layout, maybe even some removal of portions of buildings in order to meet Code. Full compliance with the Code would not, would discourage development of the site. And no new non-conforming conditions were created with this site. And the proposed use is compatible and not detrimental to the adjacent properties. We did not receive any comment cards or questions or anything from adjacent property owners as part of their outreach, system participation outreach efforts. So, we have not received any comments from adjacent property owners or concerned citizens.

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In summary, staff finds the request meets the Alternative Compliance criteria. Let me just touch basis on that, because of the roof form of the proposed building is matching the gable roof form of the existing buildings, staff is supporting the request. And as far as materials, the materials are compatible with the existing architecture that's on the site. And so, staff is in support of the request for alternative compliance. In addition, the request complies with the 2040 Mesa General Plan, and it meets the review criteria for SCIP. Staff is recommending support with conditions for this project. I'll be happy to answer any questions you may have.

Chair Wagner: So, the landscape deviations, is that part of the material deviations that they're asking for? Yes. Correct. So, the 70 that they're being asked to add, does that bring them up to Code? Or is that part of the deviations that they're asking for?

Charlotte Bridges: Chair. Boardmembers that would bring them up to Code for the number of shrubs along Brown Road.

Chair Wagner: So, what is the deviation that they're asking for in that situation for the landscape?

Charlotte Bridges: Chair, Boardmembers, they have expressed that they do not want to install any additional improvements. Other than the building. So, staff is recommending the additional shrubs to bring up closer into compliance with current Code.

Principal Planner Rachel Prelog: Charlotte, could you describe if they installed what we're proposing for the shrubs along Brown and Gaylord, what would remain non-conforming on the site.

Charlotte Bridges: As far as the existing material landscape that would remain non-conforming, would be the landscaping material adjacent to the west property line and the south property line. Where we're recommending the improvements are along the streetscape, not necessarily adjacent to the west or to the south property lines.

Chair Wagner: Thank you, I appreciate that. And so, the building deviations is just the elevation of the roof?

Charlotte Bridges: Chair, Boardmembers, it's the roof articulation, okay, and then the materials. Our new design standards require at least two materials, and then those two materials that have to be used, at least in the quantity of 25% on each building facade. And so, you'll see from the elevations that they don't quite meet those, they're doing that just to be compatible with the existing architecture on the site.

Boardmember Hoffman: So, there aren't any issues relative to capacity, or anything like that to deal with? And in terms of the use, I didn't see any reference to, like, the size of the student body of the school, and anything tied to perhaps available parking and traffic or anything like that. So, there's no concerns around any of that? Related to this structure.

Charlotte Bridges: We did not receive information about capacity as far as student body numbers and things like that. On the site plan, the number of required parking spaces, I think it was 17. And those parking spaces are provided on the site. So, they meet the minimum number of required parking spaces for the site.

Boardmember Glover: So, my question has to do with the proposed structure being modular? Is there anything in zoning or development guidelines that address modular versus site builders? Are there any requirements there that aren't being met?

Charlotte Bridges: Our Zoning Ordinance does allow factory-built buildings. In this case, this is a modular factory built building, and so it is required to meet the design standards. And that's the reason for the Alternative Compliance request. Because once again, our design standards are very specific as far as wall articulation roof articulation, materials, emphasizing the entrances and things like that. So, the request for Alternative Compliance is a way to mitigate or add a path for them to make or use the structure. The modular factory-built building that they're proposing. And have it be compatible with not just the existing structure in architecture of the buildings on the site, but also to come close to meeting our design standards for, in this case, a nonresidential building.

Boardmember Hoffman: I just have to go back to those being somewhat familiar with that area and the traffic patterns and things and I'm a little bit unclear on you know, I anticipate 17 spaces isn't a lot for a school. And again, I don't know what kind of, their capacity is, and it may be adequate for teachers, but I'm concerned about the traffic patterns with pickup and drop off, and that sort of thing. And I'm just wondering how that fits into that particular zoning category. And maybe it's not a concern. I just wonder if you could speak to that?

Charlotte Bridges: The plan was reviewed by the Transportation Department and they did not voice any concerns with the project.

***3-c Staff member Chloe Durfee-Sherman presented case BOA21-00876 to the Board.**

This is BOA21-00876. This is a site that is located at 918 East 11th Avenue north of Southern Avenue East of Horne Road. The General Plan character area for this site is Neighborhood, it provides opportunities to gain a sense of place and feel connected to the larger community. The zoning is Single Residents 6, there is an existing home that has the legal non-conforming structure. That structure was built legally back when a time when Code was different and just does not conform to today's Code. And per the legal non-conforming structure requirements that we have in our Code, alterations and enlargements that extend into the nonconforming yard is permitted with approval of a Special Use Permit.

The request is a Special Use Permit, as we said to allow for an expansion of an existing legal non-conforming structure within the Single Residence 6 District. So, you can see here, this is the site plan of what's existing, and then the slashed or hashed addition up on the north part of the property is the addition that's being added with the Special Use Permit.

This is the site photos of the home looking both northeast and northwest where it is existing. The nonconformity if you look back at the site plan is on the east side, they are not conforming to the required minimum setbacks of this zoning district, there's a minimum of 5 feet required on either side with the aggregate 15 feet required. Currently, they have a bit over 5 feet on the west side, but only about 7 feet on the east side and that 7 feet is not quite hitting that 10-foot requirement. So, this new addition is following setbacks it is staying outside of that minimum 5-foot requirement on the west side. It will not further reduce and existing non-conforming yards. It will encroach to the rear setback but only by the allowed amount given by section 11-5-3(B)(a)(iii)(6) which does allow a portion of livable space to encroach within the rear setback up to a very specific amount.

The proposal does meet the criteria approval criteria in Section 11-70-5 for a SUP. The approval of the proposed project will advance the goals and objectives and is consistent with the policies of the

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General Plan and any other applicable City plan and or policies. 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. Their proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area. And then lastly, there are adequate public services public facilities and public infrastructure to serve the proposed product. It does conform with the 2040 Mesa General Plan, it conforms with Section 11-36-7(B), requirements for legal non-conforming enlargements, and it conforms with a Special Use Permit approval criterion in 11-70-5. Staff does recommend approval and we'll be happy to answer any questions.

Chair Wagner: I just have one quick question. Have there been any other properties in that area that have been granted an SUP for this same proposal or something similar to it?

Chloe Durfee-Sherman: I am unaware. But this is based on a legal non-conforming status. And so, they would be absolutely allowed to go through the same process if they were to come up with a proposal that meets those same requirements. Not quite the same as a variance.

Vice Chair Lynam: So, the edition itself is not going any further out of compliance? And that is entirely compliant with all current everything? It's just that the existing building is or the setback, correct?

Chloe Durfee-Sherman: Correct. If this building and property met current Codes today, this case would not be before you okay? It's only because of its legal non-conforming status is the reason that Code does require a Special Use Permit us to go further.

Principal Planner Rachel Prelog: Chair, Boardmember Lynam, just for a little more clarification, this property is meeting the minimum setbacks on each side, it is just the aggregate that it's not meeting. So that's why it's not conforming.

4 Adjournment.

Boardmember Hoffman moved to adjourn the Study Session and was seconded by Boardmember Reed. Without objection, the Study Session was adjourned at 4:58 p.m.

Respectfully submitted,



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