



**PLANNING DIVISION**  
**STAFF REPORT**

**Board of Adjustment**

**May 3, 2023**

CASE No.: <b>BOA22-00121</b>	PROJECT NAME: <b>GF HUT PHX 114</b>
Owner's Name:	Grace United Methodist Church of Mesa
Applicant's Name:	Robert Vaccaro, BHC
Location of Request:	Within the 400 block of North Gilbert Road. Located north of East University Drive and east of North Gilbert Road.
Parcel No(s):	140-09-002Z
Nature of Request:	Requesting a Special Use Permit (SUP) to allow the development of a new freestanding communication facility, a Special Use Permit to allow a reduction in the number of required parking spaces, and a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards to allow for the development of a freestanding communication facility in the Office Commercial (OC) zoning district.
Zoning District:	Office Commercial (OC)
Council District:	1
Site Size:	2.96 ± acres
Existing Use:	Vacant land for the Grace United Methodist Church
Hearing Date(s):	May 3, 2023
Staff Planner:	Chloe Durfee Daniel, Planner II
Staff Recommendation:	Approval with Conditions

**HISTORY**

**On January 17, 1972**, the City Council annexed 576.36± acres, including the subject parcel (Case No. A72-001; Ordinance No. 724).

**On July 21, 1975**, the City Council rezoned 7.8 acres from Single Residence-9 (R1-9) and Single Residence-6 (R1-6) to Office Commercial (R-S) to allow a real estate office. (Case No. Z75-044; Ordinance No. 942).

**On April 3, 1990**, the Board of Adjustment approved a variance to on-site landscaping and screen wall requirements in conjunction with the expansion of an existing church. (Case No. BA90-022).

**On June 23, 2009,** the Zoning Administrator approved a SCIP request to allow the phased redevelopment of the subject parcel including a church campus, pedestrian improvements, reconstruction of parking lots, and the construction of a new parking lot. (Case No. ZA09-029).

**Background:**

In 1990, the Board of Adjustment approved a Variance to allow for deviations for onsite landscaping and screen wall requirements, specifically around the parking lots off Gilbert Road and University Drive. In 2009, a SCIP was approved to allow the phased redevelopment of the parcel over four years after the City of Mesa (the “City”) expanded the intersection of Gilbert Road and University Drive, including improvements to the church campus, pedestrian improvements, the reconstruction of both the Gilbert Road parking lot and the University Drive parking lot, and the construction of a new parking lot to the north.

With this proposal, the applicant is requesting a SUP for a freestanding communication facility, a SCIP to address the uncompleted requirements from the 2009 SCIP, and another SUP for a parking reduction. As the church never completed the full requirements for the approved SCIP, the current applicant is bringing the site into further substantial conformance by providing missing landscaping in the parking lot along Gilbert Road. The communication facility will be unmanned and located on the northeast corner of a vacant lot that serves Grace United Methodist Church, with access from North Gilbert Road. The equipment for the facility will be installed on a 1,664 square foot lease area on a concrete foundation and will serve residents remotely. The facility will be screened from public view by a 8’ high CMU block wall to match the block wall for the existing utility site, with two (2) access gates.

**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.

**Site Characteristics:**

The subject parcel is used for an existing church with multiple buildings and parking areas. The freestanding communication facility will be located to the north of the main buildings on a vacant section of the lot. The facility will be screened from view by an existing building on a separate parcel directly west of the facility and by a screen wall that matches the wall directly to the north surrounding a City utility facility.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> (Across Gilbert Road) RM-2 Multiple Residence	<b>North</b> RS-9 Single Residence	<b>Northeast</b> RS-9 Single Residence
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<b>West</b> (Across Gilbert Road) LC Commercial	<b>Subject Property</b> OC Grace United Methodist Church	<b>East</b> RS-6 Single Residence
<b>Southwest</b> (Across Gilbert Road and University Drive) LC Commercial	<b>South</b> (Across University Drive) LC Commercial	<b>Southeast</b> (Across University Drive) RM-4 Multi Residential

**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 designation for the property is Neighborhood. 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. 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 seems to advance the goals and objectives of this character area 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 1,664± square foot lease area north of the main church buildings on the same parcel. 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 adjacent City utility facility to the north of the subject facility. The proposed accessory 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 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.***

**Zoning Ordinance, Section 11-70-5 – Special Use Permit for a reduction in the required number of parking spaces required.**

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:

- A. 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 designation for the property is Neighborhood. 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. The Church property already has more parking than is required due to the actual usage of the site. Reducing the required parking allows the proposed freestanding communication facility to be located in an area to best minimize visibility and impact on the surrounding areas. The proposal advances the goals and objectives of the character area and the Mesa 2040 General Plan.**

***The request meets this criterion.***

- B. 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;

**Per Table 11-32-3.A of the MZO, a total of 285 parking spaces are required for the existing uses at the site. The applicant is requesting a reduction in the number of parking spaces required from the 285 spaces required per the MZO requirements to 127 parking spaces. As part of the application, the applicant has submitted a parking study to justify**

the requested reduction. The parking study includes both a visual inventory of the actual parking utilized on Sunday during church services and an analysis based on International Traffic Engineers (ITE) standards. The parking study shows the total usage of the site during peak time periods is less than half of the existing 127 parking spaces. When analyzed using ITE standards based on both the occupant load of the church (486 people), as well as the gross floor area (GFA) of the portions of the church used for assembly (10,335 square feet), the maximum number of parking spaces required is 107, which is less than the 127 parking spaces currently provided on site. Additionally, there is a bus stop adjacent to the Church that could also help reduce the need for parking. The parking reduction does conform with the characteristics of the surrounding developments and conforms with the General Plan and other applicable policies.

*The request meets this criterion.*

- C. 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 parking reduction allows for the incoming freestanding communication facility to be placed in an area that reduces visibility and impact on the surrounding properties and will not be injurious or detrimental.

*The request meets this criterion.*

- D. 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.*

#### **Substantial Conformance Improvement Permit (SCIP) MZO Section 11-73:**

The subject site is legal non-conforming as it does not conform to current setback and landscape standards per Sections 11-32-2, and 11-33 of the MZO. Table 1 below summarizes the minimum MZO requirements, the applicant's proposal, and staff's recommendations. Text in bold indicates modifications from the MZO code requirements.

**TABLE 1 DEVELOPMENT STANDARDS:**

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
<i>Perimeter Landscape Setbacks: West property line</i>	15'	<b>0-6' along the western parking lot</b>	As proposed

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
<i>East property line</i>	15'	<b>0' along the southern parking lot</b>	
<i>South property line</i> [Section 11-33-3.B.2]	15'	<b>7' minimum along the southern parking lot</b>	
<i>Perimeter Landscaping:</i> <i>East property line</i>	4 trees and 20 shrubs per 100 linear feet of property line: 21 trees and 103 shrubs	<b>8 trees and 61 shrubs</b>	As proposed
<i>South property line</i>	4 trees and 20 shrubs per 100 linear feet of property line: 14 trees and 70 shrubs	<b>1 tree and 0 shrubs</b>	
<i>West property line</i> [Section 11-33-3.B.2]	4 trees and 20 shrubs per 100 linear feet of property line: 24 trees and 119 shrubs	<b>6 trees and 0 shrubs</b>	
<i>Parking Lot Landscape Island:</i> [Section 11-33-4.B.2]			
<i>West parking lot</i>	Landscape islands shall be a minimum of eight feet wide and 15 feet in length for single-row and 30 feet in length for double-row parking	<b>Two landscape islands with a minimum width of 4 feet along the north of the parking lot</b>  <b>One landscape island with a minimum length 15 feet next to the south entrance of the parking lot</b>	As proposed

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
<i>Parking Lot Landscaping:</i> <i>[Section 11-33-4.B.1]</i>  <i>West parking lot</i>  <i>South parking lot</i>	Parking lot landscape islands shall be installed at each end of a row of stalls and in between for maximum 8 contiguous parking spaces.	<b>Maximum 9 contiguous parking spaces.</b>  <b>Maximum 15 contiguous parking spaces.</b>	As proposed
<i>Throat Depth:</i> <i>[Section 11-32-4.A]</i>  <i>West parking lot</i>  <i>South parking lot</i>	Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 50 ft from the property line abutting the street.	<b>11' minimum</b>  <b>10' minimum</b>	As proposed

To bring the site into substantial conformance with the development standards of the MZO, the applicant proposes to add landscaping to bring the site into conformance with Section 11-33-4.B of the MZO.

- New landscape material around the perimeter of the site and in the parking lot adjacent to Gilbert Road.

Per Section 11-73-3 of the MZO, when deciding on a SCIP, the Board of Adjustment shall find upon sufficient evidence that:

- A. The entire development site will be brought into substantial conformance. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with the MZO that can be attained without causing or creating any of the following conditions:

1. The demolition or reconstruction of existing buildings or other significant structures (except signs); or

**Significant alterations to the site, including demolition of the building foundation, parking area, and on-site circulation would need to occur to bring the site into full conformance with current MZO development standards.**

***The request complies with this criterion.***

2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.

**Full compliance with current development standards would impose an extreme hardship that may cause cessation of the Grace United Methodist Church and would discourage redevelopment on this site.**

***The request complies with this criterion.***

3. The creation of new non-conforming conditions.

**No new non-conforming conditions will be created with the redevelopment of the site.**

***The request complies with this criterion.***

- B. The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

**The proposed improvements to the Grace United Methodist Church is compatible with the surrounding area and the improvements recommended by staff will bring the site into further compliance with the MZO, enhance the appearance of the site, improve vehicular flow and safety, and improve the streetscape. Therefore, staff does not believe that the proposed request will be detrimental to adjacent properties or neighborhoods.**

***The request complies with this criterion.***

#### Findings:

- A. The property was annexed into the City of Mesa in 1972 as part of a greater 576.36± acre area and subsequently zoned Single Residence-6 (RS-6) and Single Residence-9 (RS-9).
- B. The multiple lots were then rezoned in 1975 from RS-6 and RS-9 to R-S or now, Office Commercial.
- C. The subject site had a variance approved in 1990 to allow for reduced setbacks due to legal non-conforming conditions.



- D. In 2009, the property was approved for a SCIP to allow for a phased redevelopment of the parking lots and other site improvements after the City expanded the intersection on both Gilbert Road and University Drive.
- E. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
  - a. Full compliance with current MZO would require significant alterations to the site including demolition of the existing buildings and alterations to the on-site circulation and parking.
  - b. Improvements to the existing site including landscape improvements around the west perimeter and within the parking lot.
  - c. 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.
  - d. The proposed improvements will not create any new non-conformities.
  - e. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- F. 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;
- G. 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;
- H. 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
- I. 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 Substantial Conformance Improvement Permit outlined in Section 11-73-3 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.

**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 – Parking Study  
Exhibit 7 – Citizen Participation