



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

May 3, 2023

| | |
|------------------------------|---|
| CASE No.: BOA22-00195 | PROJECT NAME: GF HUT PHX 117 |
| Owner's Name: | Brent Howard, AEI Sossaman LLC |
| Applicant's Name: | Robert Vaccaro, BHC |
| Location of Request: | Within the 7600 block of East Guadalupe Road and the 2800 block of South Sossaman Road. Located south of East Guadalupe Road and east of South Sossaman Road. |
| Parcel No(s): | 304-04-814 |
| Nature of Request: | Requesting a Special Use Permit (SUP) to allow the development of a new freestanding communication facility in the Limited Commercial (LC) zoning district. |
| Zoning District: | Limited Commercial (LC) |
| Council District: | 6 |
| Site Size: | 0.11 ± acres |
| Existing Use: | Landscape area for group commercial development |
| Hearing Date(s): | May 3, 2023 |
| Staff Planner: | Chloe Durfee Daniel, Planner II |
| Staff Recommendation: | Approval with Conditions |

HISTORY

On February 22, 1990, the City Council annexed 1,721.9± acres including the subject parcel (Case No. A88-013; Ordinance No. 2482).

On April 2, 1990, the City Council established comparable city zoning on 1,776.4± acres of recently annexed land as Agricultural (AG), Suburban Ranch (SR) (comparable to RS-43), and C-2 (comparable to Limited Commercial) including the subject parcel. (Case No. Z90-009; Ordinance No. 2511).

On July 15, 1996, the City Council rezoned 68.64± acres of land including the subject property from R1-43 (comparable to RS-43) to R1-6 PAD (RS-6 PAD) and LC to develop a residential community and a commercial area. (Case No. Z96-049; Ordinance No. 3210).

On December 4, 2000, the City Council approved a site plan for the group commercial center including the subject property. (Case No. Z00-041; Ordinance No. 3835).

On December 6, 2000, the Design Review Board reviewed and approved an 8.29± acre shopping center including the subject property. (Case No. DR00-049).

Background:

The applicants are requesting a SUP to place a new, freestanding communications facility on the subject parcel for the storage of fiber optic equipment to serve City of Mesa residents and businesses. The facility will be unmanned and located on the southeast corner of the group commercial center that currently serves as a landscape area, with access from both S Sossaman Road and E Guadalupe Road. The equipment for the facility will be installed on a 2,080 square foot lease area 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 block wall of the nearby residential area, with two (2) access gates. Placement of the communications facility will involve the removal of existing curbing and landscaping which will be replaced in-kind as needed.

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. The subject site is also located within the Airfield Overflight Area 3 (AOA 3) for Phoenix-Mesa Gateway Airport. Per section 11-19-4(C) of the Mesa Zoning Ordinance (MZO), there are no use limitations beyond those in the base district for AOA3.

Site Characteristics:

The site currently serves as an additional landscape area for an existing shopping center. The freestanding communication facility will be located next to the existing building and is surrounded by a wall that meets the existing building on either side. The existing landscaping will be preserved or replaced in-kind. Surrounding the group commercial center is a residential community.

Surrounding Zoning Designations and Existing Use Activity:

| | | |
|---|--|---|
| Northwest LC Group Commercial | North LC Group Commercial | Northeast RS-6 PAD Residential |
| West LC Group Commercial | Subject Property LC Landscape area for Group Commercial | East RS-6 PAD Residential |
| Southwest RS-6 PAD Residential | South RS-6 PAD Residential | Southeast RS-6 PAD Residential |

Mesa Zoning Ordinance Requirements and Regulations:

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 is seen 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 2,080 square feet in size and located within a larger group commercial center to minimize impact to the surrounding area. The communications facility will be screened by an 8' higher perimeter wall, which will be made of a block wall to match nearby residential screen wall which will not be impacted. The proposed location will require the removal of minor curbing and landscaping to be replaced in-kind.

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

As indicated above, the proposal has been designed to minimize any impact to the surrounding area by considering the design and placement of the facility. The placement of the project is not seen to 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.

Findings:

- A. The property was annexed into the City of Mesa in 1988 as part of a greater 1721.9± acre area and subsequently zoned Agricultural, Single-Residence-43 (SR) and Limited Commercial (C-2).
- B. The Council then rezoned 68.64± acres, including the subject property, to RS-6 PAD (R1-6 PAD) and LC (C-2) and created a residential community and a shopping center.
- C. 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;
- D. 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;
- E. 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
- F. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 500 feet of the site. At the time of writing this report, neither staff nor the applicant have been contacted about the project. Staff will provide an update to the Board at the hearing on May 3rd, 2023.

Staff Recommendation:

Based upon the application received and preceding analysis, Staff finds that the request for a SUP to allow a freestanding communications facility meets the requirements of Chapter 35 and the approval criteria of Section 11-70-5(E) of the MZO; and therefore, 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 – Elevations