

Mesa Council Chambers Lower Level – 57 E 1st St

Date: February 7, 2024 Time: 5:30 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

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

STAFF PRESENT:

Kelley Whittemore
Evan Balmer
Jennifer Merrill
Cassidy Welch
Charlotte Bridges
Joshua Grandlienard
Chloe Durfee Daniel
Sergio Solis
Vanessa Felix

OTHERS PRESENT:

1 Call meeting to order.

Chair Wagner declared a quorum present, and the Public Hearing was called to order at 5:57 pm.

2 Take action on all Consent Agenda items.

A motion to approve the Consent Agenda was made by Boardmember Jones as read by Vice Chair Allen seconded by Boardmember Glover.

Items on the Consent Agenda

3 Approval of the following minutes from previous meeting:

***3-a Minutes from January 3, 2024 Study Session and Public Hearing.**

Vote: 7-0

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Jones - Reed - Hoffman - Glover

NAYS – None

ABSENT – None

ABSTAINED – None

4 Take action on the following cases:

***4-a Case No.: BOA23-00452 (Approval with Conditions)**

Location: 335 East Broadway Road. Located west of Mesa Drive and on the south side of Broadway Road.

Subject: Requesting a Substantial Conformance Incentive Permit (SCIP) to allow deviations from certain development standards.

Decision: Approval with conditions

Summary: This item was on the consent agenda and not discussed on an individual basis

A motion to approve case BOA23-00452 was made by Boardmember Jones as read by Vice Chair Allen seconded by Boardmember Glover.

Conditions of Approval:

1. Compliance with the final site plan as submitted.
2. Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Consent Agenda Approved

Vote: 7-0

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Jones - Reed - Hoffman - Glover

NAYS – None

ABSENT – None

ABSTAINED – None

- *4-b Case No.: BOA23-00858 (Approval with Conditions)**
Location: Within the 400 to 500 blocks of South Robson (east side). Located south of Broadway Road and east of Country Club Drive.
Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for an industrial development in the General Industrial (GI) district.
Decision: Approval with conditions
Summary: This item was on the consent agenda and not discussed on an individual basis

A motion to approve case BOA23-00858 was made by Boardmember Jones as read by Vice Chair Allen seconded by Boardmember Glover.

Conditions of Approval:

1. Compliance with the final site plan and landscape plan.
2. Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Consent Agenda Approved

Vote: 7-0

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Jones - Reed - Hoffman - Glover

NAYS – None

ABSENT – None

ABSTAINED – None

- *4-c Case No.: BOA23-00927 (Approval with Conditions)**
Location: 309 East 10th Drive. Located west of Mesa Drive and north of Southern Avenue.
Subject: Requesting a Special Use Permit (SUP) for an enlargement that extends into a non-conforming yard.
Decision: Approval with conditions
Summary: This item was on the consent agenda and not discussed on an individual basis

A motion to approve case BOA23-00927 was made by Boardmember Jones as read by Vice Chair Allen seconded by Boardmember Glover.

Conditions of Approval:

1. Compliance with the final site plan as submitted.
2. Compliance with all City Development Codes and regulations.

Consent Agenda Approved

Vote: 7-0

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Jones - Reed - Hoffman - Glover

NAYS – None

ABSENT – None

ABSTAINED – None

- *4-d Case No.: BOA23-00938 (Approval with Conditions)**
Location: Within the 1300 to 1400 blocks of West Southern Avenue (north side).
Subject: Special Use Permit (SUP) for a parking reduction.
Decision: Approval with conditions
Summary: This item was on the consent agenda and not discussed on an individual basis

A motion to approve case BOA23-00938 was made by Boardmember Jones as read by Vice Chair Allen seconded by Boardmember Glover.

Conditions of Approval:

1. Compliance with all requirements of case SPR81-001 and BOA20-00803.
2. Compliance with all applicable City of Mesa Development Codes and regulations.

Consent Agenda Approved

Vote: 7-0

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Jones - Reed - Hoffman - Glover

NAYS – None

ABSENT – None

ABSTAINED – None

- *4-f Case No.: BOA23-00973 (Approval with Conditions)**
Location: Within the 6000 to 6200 blocks of East Southern Avenue (south side) and within the 1200 to 1400 blocks of South Superstition Springs Boulevard (west side). Located west of Power Road on the south side of Southern Avenue.
Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) in the Limited Commercial (LC) zoning district.
Decision: Approval with conditions
Summary: This item was on the consent agenda and not discussed on an individual basis

A motion to approve case BOA23-00973 was made by Boardmember Jones as read by Vice Chair Allen seconded by Boardmember Glover.

Conditions of Approval:

1. Compliance with the sign plan documents submitted.
2. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
3. All signage to be reviewed and approved through a separate permit application.

Consent Agenda Approved

Vote: 7-0

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Jones - Reed - Hoffman - Glover

NAYS – None

ABSENT – None

ABSTAINED – None

- *4-g Case No.: BOA23-00986 (Approval with Conditions)**
Location: 436 North Macdonald. Located east of Country Club and north of University Drive.
Subject: Requesting a variance from the covered parking requirements for a single residence.
Decision: Approval with conditions
Summary: This item was on the consent agenda and not discussed on an individual basis

A motion to approve case BOA23-00986 was made by Boardmember Jones as read by Vice Chair Allen seconded by Boardmember Glover.

Conditions of Approval:

1. Compliance with the final site plan as submitted.
2. Compliance with all City Development Codes and regulations.
3. Compliance with Certificate of Appropriateness case ADM23-00536.

Consent Agenda Approved

Vote: 7-0

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Jones - Reed - Hoffman - Glover

NAYS – None

ABSENT – None

ABSTAINED – None

- *4-i Case No.: BOA24-00024 (Approval with Conditions)**
Location: Within the 6100 to 6300 blocks of South Ellsworth Road (west side). Located south of Williams Field Road on the west side of Ellsworth Road.
Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) in the Light Industrial with a Planned Area Development overlay (LI-PAD) district.
Decision: Approval with conditions
Summary: This item was on the consent agenda and not discussed on an individual basis

A motion to approve case BOA24-00024 was made by Boardmember Jones as read by Vice Chair Allen seconded by Boardmember Glover.

Conditions of Approval:

1. Compliance with the sign plan documents submitted.
2. Compliance with all requirements of case Z96-023
3. All signage to be reviewed and approved through a separate permit application.
4. Compliance with all applicable City of Mesa Development Codes and regulations.

Consent Agenda Approved

Vote: 7-0

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Jones - Reed - Hoffman - Glover

NAYS – None

ABSENT – None

ABSTAINED – None

Items not on the Consent Agenda

5 Act on the following case:

- *4-h Case No.: BOA24-00021 (Approval with Conditions)**
Location: Within the 0 block of North MacDonald (both sides).
Subject: Requesting a Special Use Permit (SUP) for a Special Event to exceed a duration of four consecutive days.
Decision: Approval with conditions
Summary: This item was on the consent agenda and not discussed on an individual basis

Staff member Emily Johnson presented case BOA24-00021 to the Board.

See attached presentation.

Nate Caine, 1325 West Keats Avenue – expressed their opposition to this project.

Terry Madeksza, 100 North Center Street - expressed their support of this project.

Boardmember Jones asked the location of the porta potties for this Special Use Permit

Jeff McVay, Downtown Transformation Manager, answered the anticipated attendee amount would not require restrooms.

Boardmember Reed inquired about the reasoning of the location of the event.

Jeff McVay answered that the location of the event was to promote foot traffic to the downtown businesses.

Boardmember Lynam asked if the barriers would open at any point during the event for traffic.

Jeff McVay answered due to the traffic control plan, the bollards would have to be up at all times during the event.

Boardmembers discussed the merits of the case.

A motion to approve case BOA24-00021 was made by Vice Chair Allen and seconded by Boardmember Jones.

Conditions of Approval:

1. Compliance with the boundaries of the as identified on the site plan.
2. Compliance with all requirements of the Development Services Department.
3. Compliance with all requirements of the Business Services Department regarding application for and issuance of a Special Event License.
4. The Special Use Permit shall be valid for 78-days starting February 13, 2024, and shall expire on April 30, 2024. The Special Use Permit is non-transferable for both location and applicant.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Jones - Reed - Hoffman - Glover

NAYS – None

ABSENT – None

ABSTAINED – None

- *4-h Case No.: BOA23-00955 (Approval with Conditions)**
Location: Within the 1700 block of North Spring Circle. Located south of McKellips Road and east of Mesa Drive.
Subject: Requesting a Special Use Permit (SUP) for reasonable accommodation to the spacing requirements for Community Residences to allow a Community Residence within 1,200 feet of an existing Assisted Living Home and withing 1,200 feet of a Assisted Living Center.
Decision: Approval with conditions
Summary: This item was on the consent agenda and not discussed on an individual basis

Staff member Charlotte Bridges presented case BOA23-00955 to the Board.
See attached presentation.

Staff member Whittemore stated with regard to the application for a Special Use Permit for reasonable accommodation to the spacing requirements, the request is governed by section 11-31-14 of the Mesa Zoning Ordinance, which states that a Special Use Permit shall be granted if the Board finds that the applicant has demonstrated that the proposed use meets the criteria in Section D of that ordinance, which was outlined by Charlotte and is also outlined in your staff report. As you consider the application before you today, it's important to remember that the request falls under the Fair Housing Act, which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status and national origin. Because community residences are a residential living arrangement for individuals with disabilities, the Fair Housing Act is going to apply.

The Fair Housing Act defines persons with a disability to mean those individuals with mental or physical impairment that substantially limits one or more major life activities. The term mental or physical and impairment may include conditions such as blindness, hearing impairment, mobility, impairment, mental illness and those recovering from alcoholism and drug addiction. In framing the nature of the discussion about the application tonight, bear in mind that when evaluating a violation of the Fair Housing Act, courts will look at statements made at the meeting, including those made by Board Members and those made by members of the public. In a joint statement from HUD and the Department of Justice, which are the two federal agencies tasked with enforcing the Fair Housing Act, they pointed out that when in acting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions about current or prospective residents, because of the residents' protected characteristics. Doing so violates the Fair Housing Act, even if the officials themselves, which would be the Board, do not personally share such bias. In the conversation about the reasonable accommodation application, I ask that the Board and the public be thoughtful in the comments that they make this evening. And again, point out that the criteria in Section 11-31-14 D of the Zoning Ordinance is the only criteria the Board may consider.

Harley Holloway, 1742 North Spring Circle - expressed their support to this project.

Elizabeth Lesprow, 408 East Ingram Street - expressed their opposition to this project.

Hector Romero, 446 East Ingram Street - expressed their opposition to this project.

Rozanne Buck, 416 East Ingram Street - expressed their opposition to this project.

Mark Stiles, 426 East Ingram Street - expressed their opposition to this project.

Boardmember Jones questioned when the homeowner purchased the property.

Susan Phelan, the property owner, answered she purchased the home in May 2020.

Boardmember Jones asked how the complaints were handled in the past.

Susan Phelan answered as the owner she had no idea of the complaints until proposed facility owner let her know of the complaints.

Mario Torres explained any complaints would be handled by the company; the owner would not be held liable.

Vice Chair Allen asked if Mr. Torres was interested in purchasing the property.

Mario Torres answered he was interested in purchasing the property and running his facility at it.

Boardmember Reed asked how many staff members will be on site.

Marios Torres, the applicant, responded during the day, three to four staff members. The swing shift, one staff member and overnight one staff member.

Boardmember Glover wanted confirmation that the Special Use Permit will be used on the property and not the facility.

Staff member Balmer confirmed the Special Use Permit is for the property and not the facility. The Special Use Permit can be reexamined if the criteria is not being met for reasonable accommodation.

Boardmembers discussed the merits of the case.

A motion to approve case BOA23-00955 was made by Vice Chair Allen and seconded by Boardmember Hoffman.

Conditions of Approval:

1. Approval of a Community Residence registration for the project site in accordance with Section 11-31-14.
2. Compliance with all City Development Codes and regulations.

Vote: 5-2

Upon tabulation of vote, it showed:

AYES –Wagner – Allen – Lynam – Hoffman - Glover

NAYS – Jones - Reed

ABSENT – None

ABSTAINED – None

6 Adjournment.

Boardmember Jones moved to adjourn the Public Hearing and was seconded by Boardmember Glover. Without objection, the Public Hearing was adjourned at 7:54 p.m.

Respectfully submitted,

Evan Balmer,
On behalf of Zoning Administrator (Mary Kopaskie-Brown)



BOA24-00021

Emily Johnson, Planner I

February 7, 2024



Request

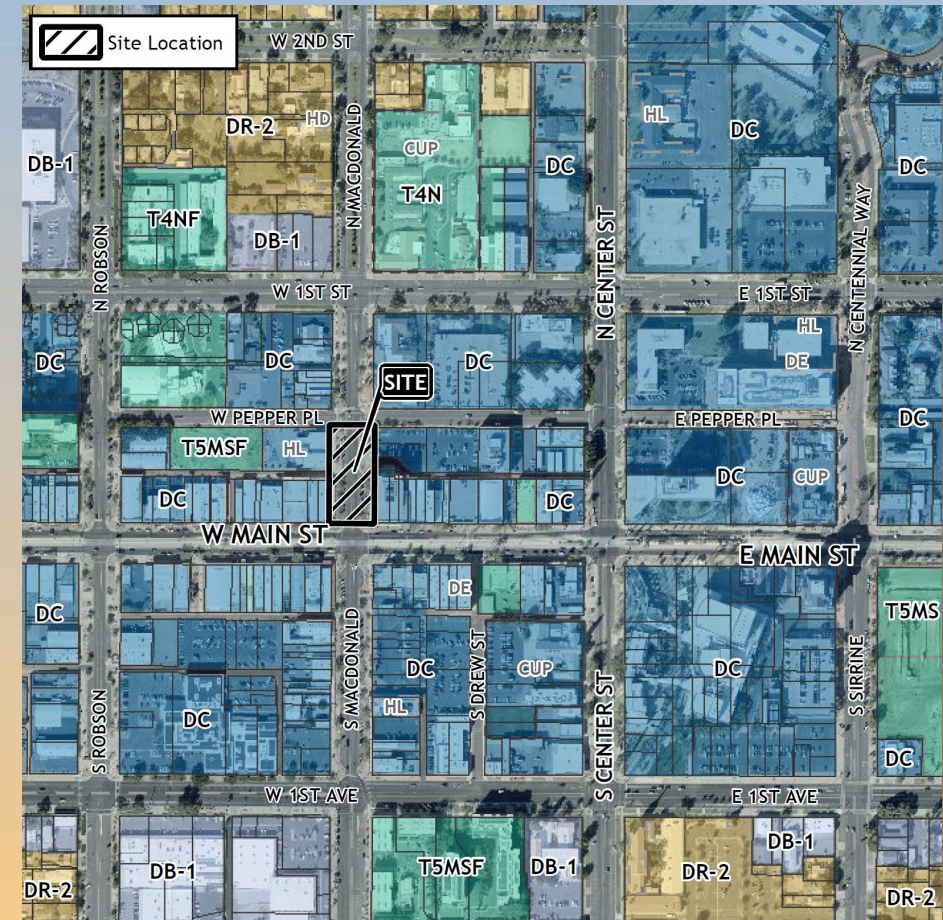
- Special Use Permit
- For a Special Event to exceed a duration of 4 consecutive days





Location

- Within the Right-of-Way of N MacDonal between Main Street and Pepper Place
- North of Main Street
- South of Pepper Place





General Plan

Downtown

- Create pedestrian-oriented, transit-rich environment with a lot of activity

Transit Corridor / Station Area

- Develop a mixed-use, pedestrian-oriented, urban environment





Zoning

- Downtown Core (DC) to the east and west
- Downtown Events (DE) Overlay





Site Photos

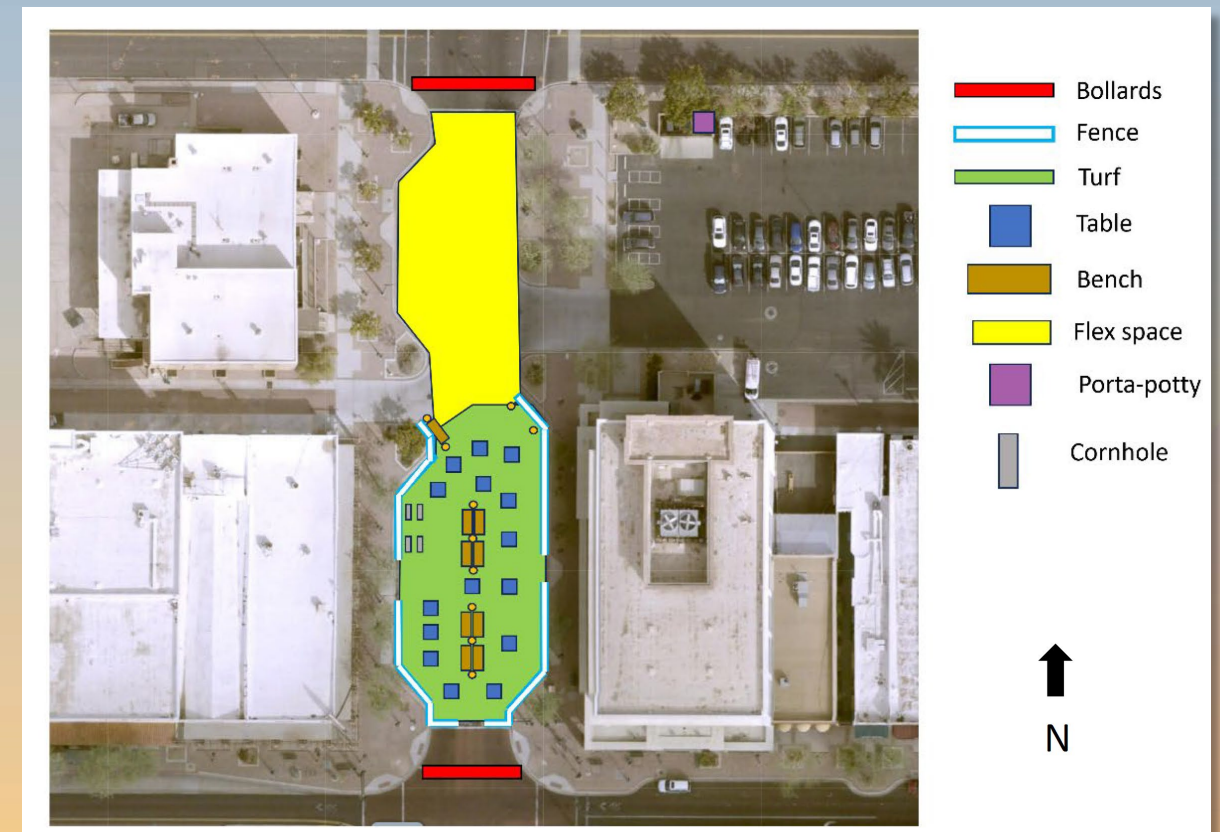


Looking north from E Main Street



Site Plan

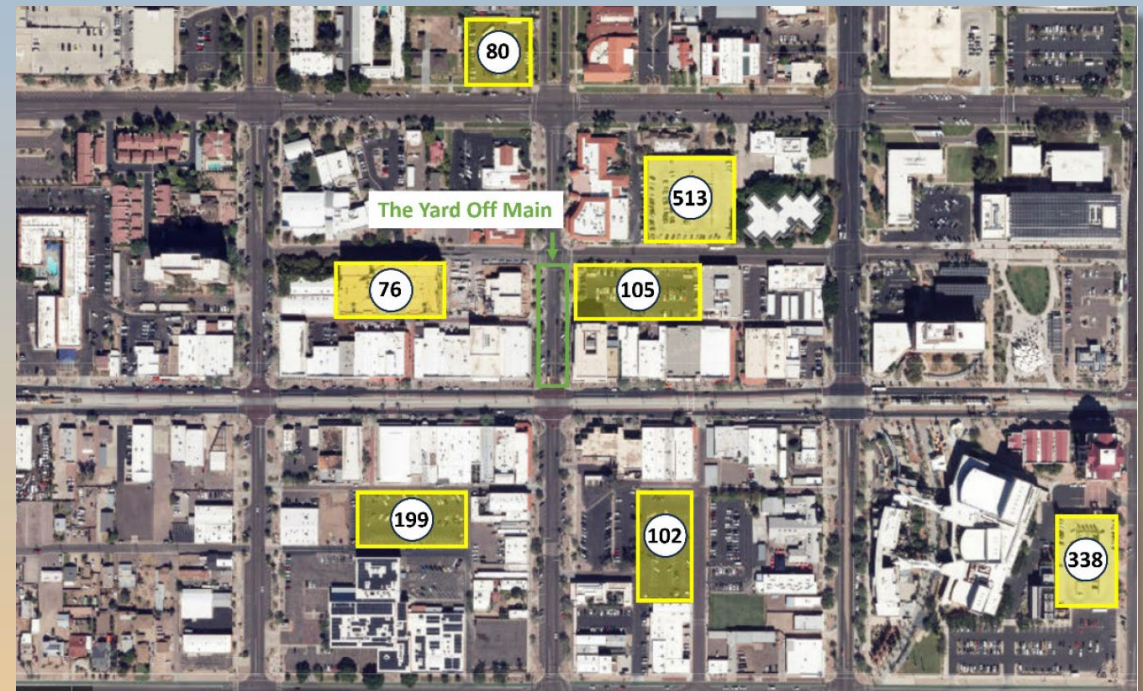
- Extend current MacDonald closure for events until April 30th
- Default layout has benches, tables, chairs, potted plants
- Northern half of site is a flex space for pop-up activities
- Portable restroom available; additional facilities to be provided as required for specific events





Site Plan

- Over 5,000 parking spaces in Downtown Mesa
- 1,095 spaces are available for public use within a quarter mile

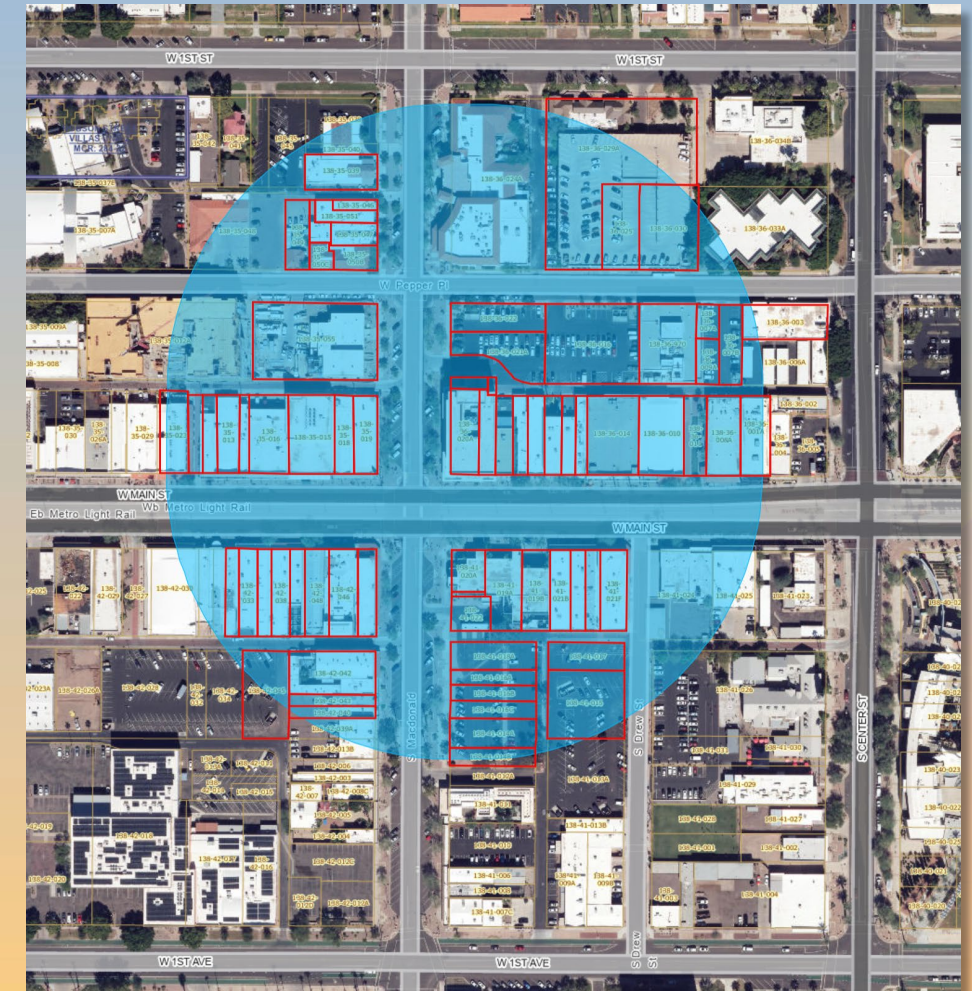


Parking Locations Exhibit



Citizen Participation

- Notified property owners within 500', HOAs and registered neighborhoods
- One business owner has reached out with concerns about portable restrooms and traffic





Approval Criteria

Section 11-70-5.E SUP Criteria

- ✓ Project will advance the goals and objectives of the General Plan and other City plan and/or policies;
- ✓ 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 plan or policies;
- ✓ Project will not be injurious or detrimental to the surrounding properties, the neighborhood, or to the general welfare of the City; and
- ✓ Adequate public services, public facilities and public infrastructure are available.



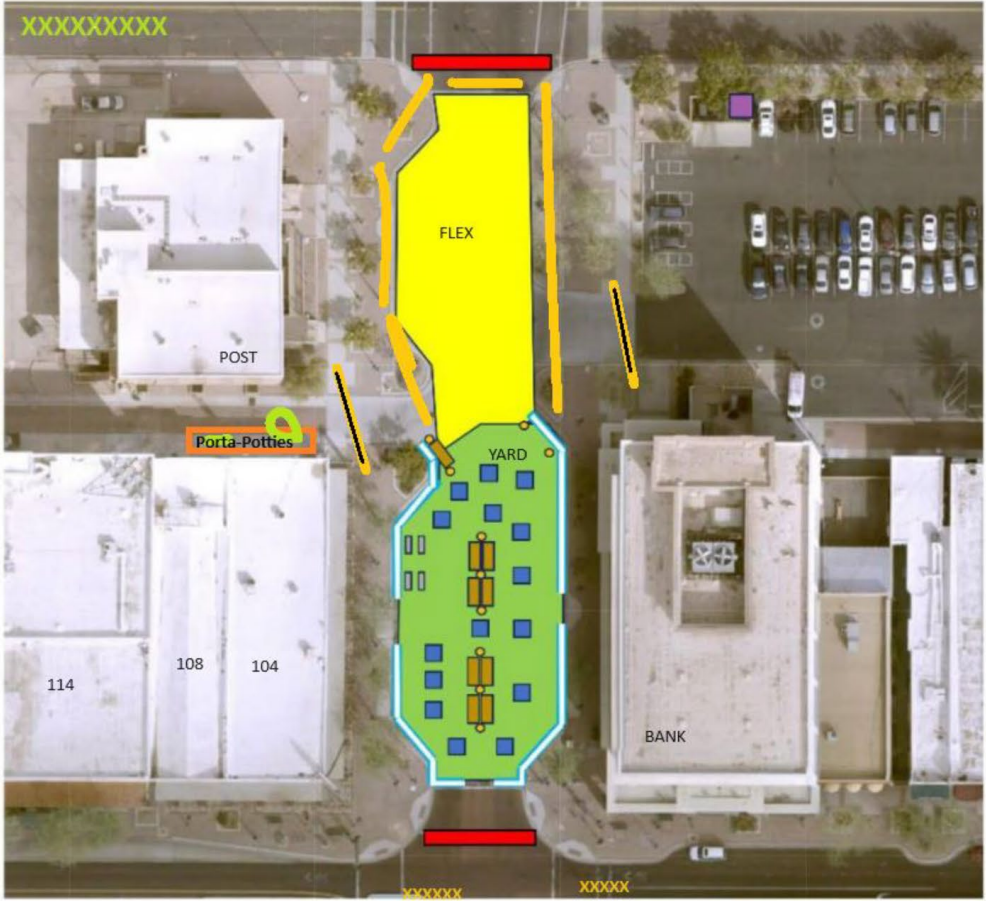
Findings

- ✓ Complies with the 2040 Mesa General Plan
- ✓ Meets the SUP findings of Section 11-70-5.E of the MZO

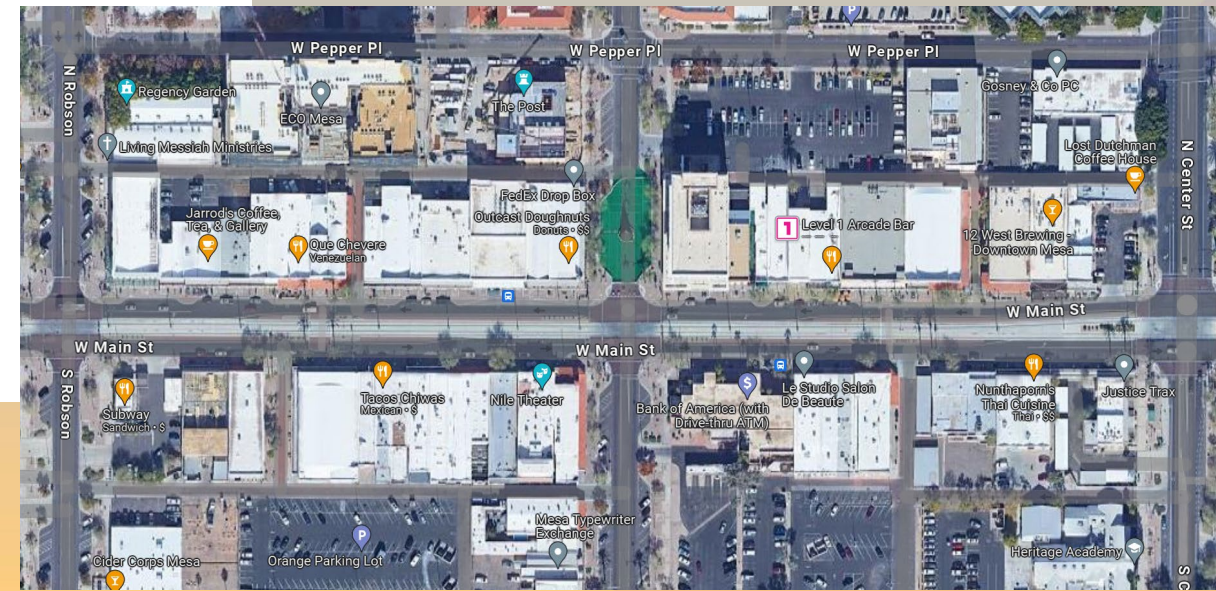
Staff recommend Approval with Conditions



ROAD CLOSED



- Bollards
- Fence ^{WHY?}
- Turf
- Table
- Bench
- Flex space
- Porta-potty
- Cornhole







BOA23-00955

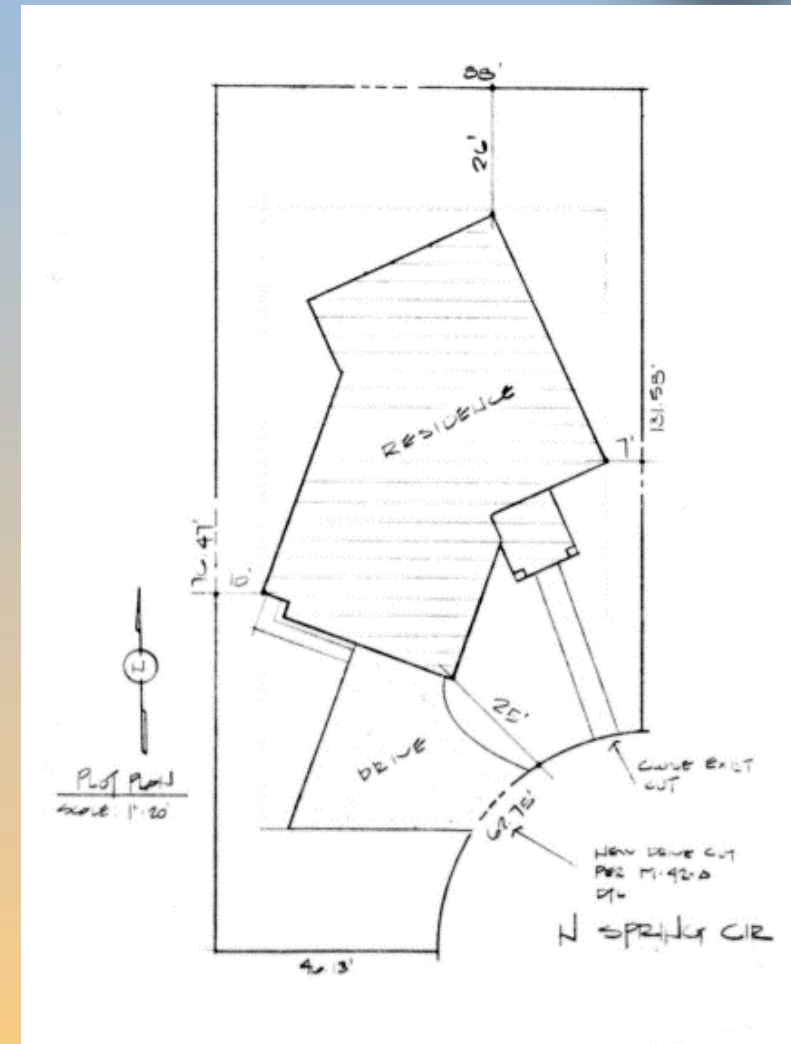
Charlotte Bridges, Planner II

February 7, 2024



Request

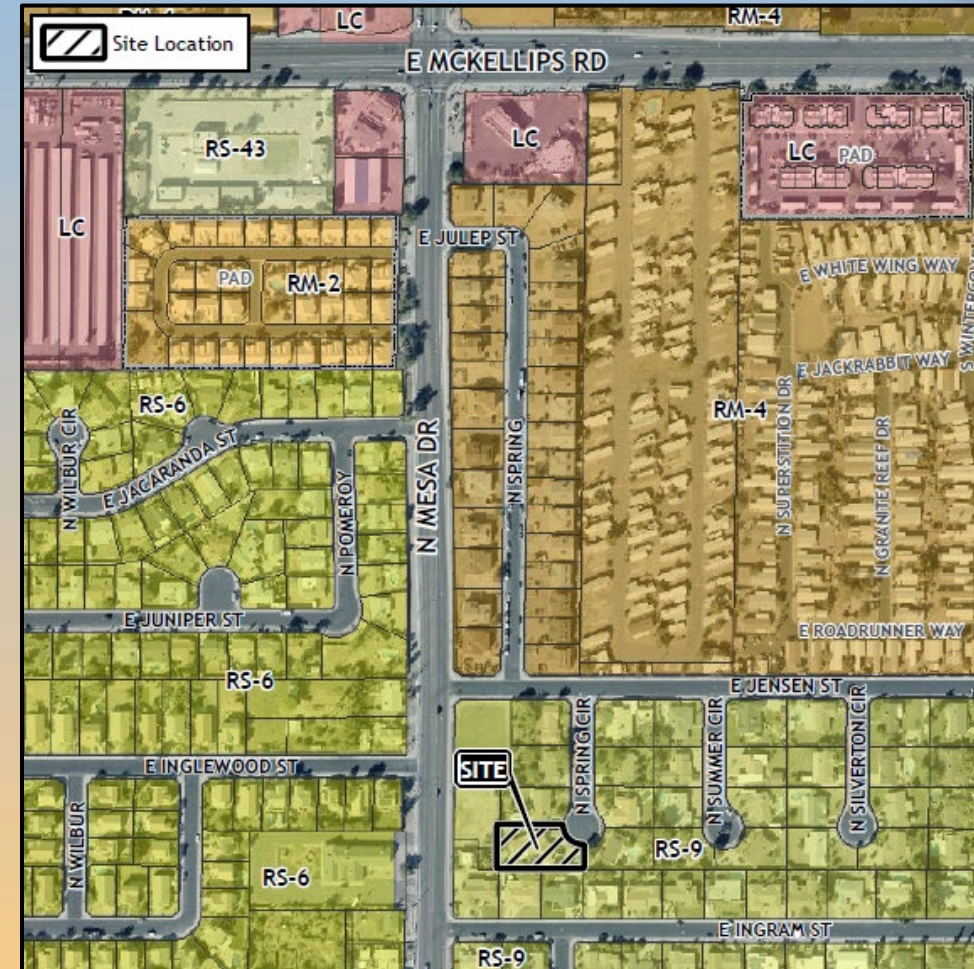
- SUP for reasonable accommodation to the spacing requirements for Community Residences to allow a Community Residence within 1,200 feet of an existing Assisted Living Home and within 1,200 feet of an Assisted Living Center





Location

- Within the 1700 block of North Spring Circle
- South of McKellips Road
- East of Mesa Drive

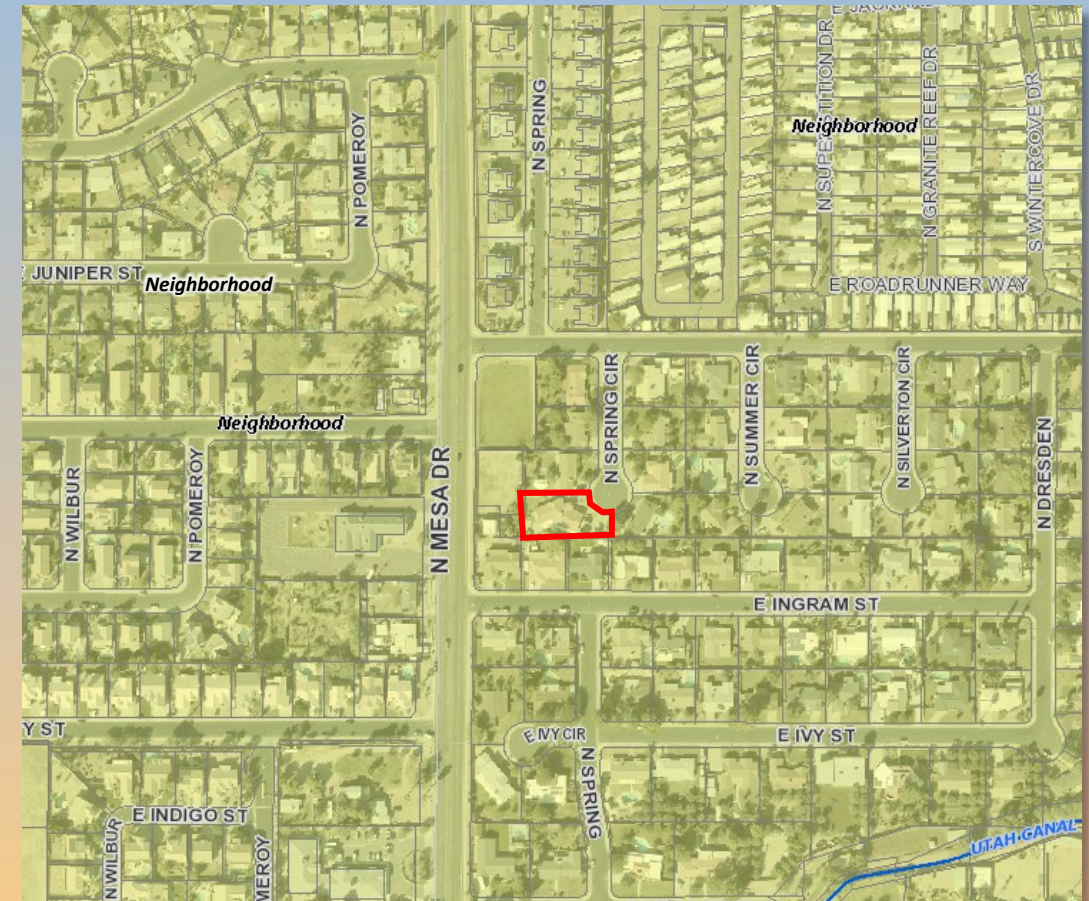




General Plan

Neighborhood

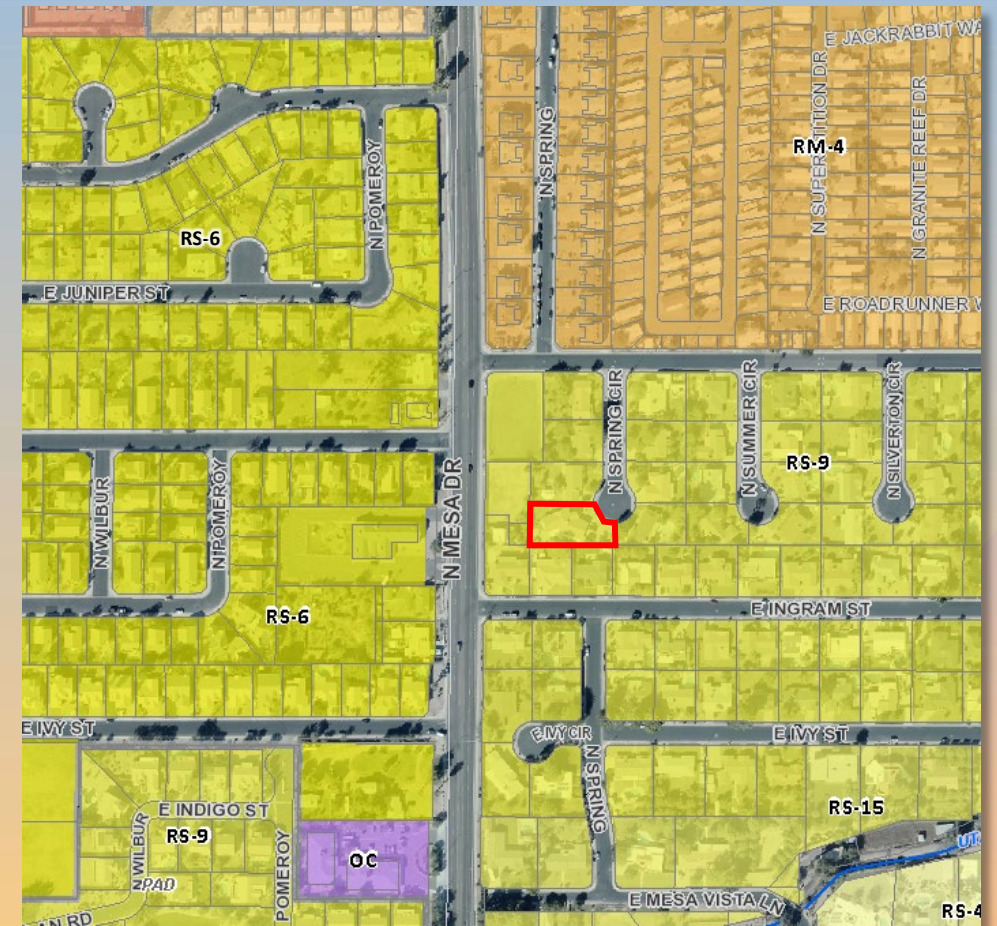
- Safe places for people to live
- Wide range of housing options allowed
- Existing use complies with the goals of this character area





Zoning

- Single Residence-9
- Single residence use permitted
- Community Residences permitted subject to compliance with Section 11-31-14





Site Photos



Looking west from Spring Circle



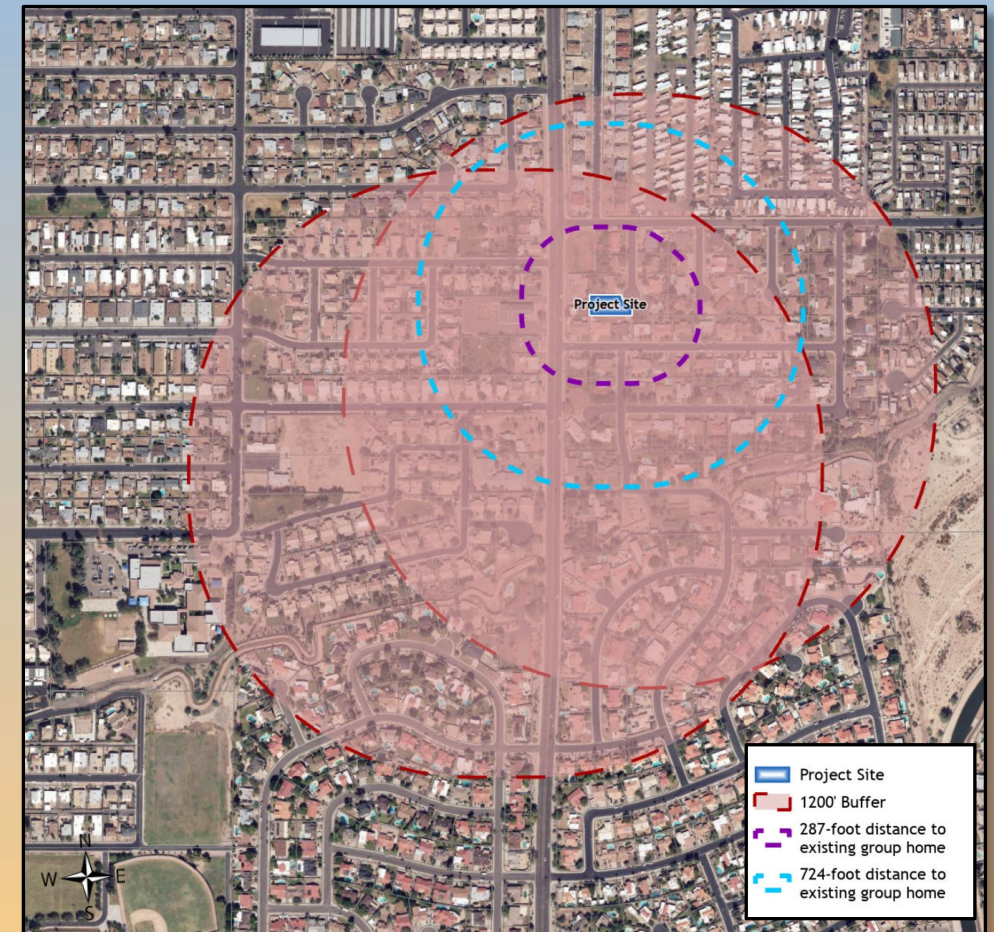
Spacing Requirement

Per Section 11-31-14(A)(1), a proposed Community Residence:

- Must be 1,200 feet from the closest existing Community Residence, assisted living home or assisted living center

Per Section 11-31-14(D):

- A Community Residence that does not meet the spacing requirements may request reasonable accommodation through the SUP process

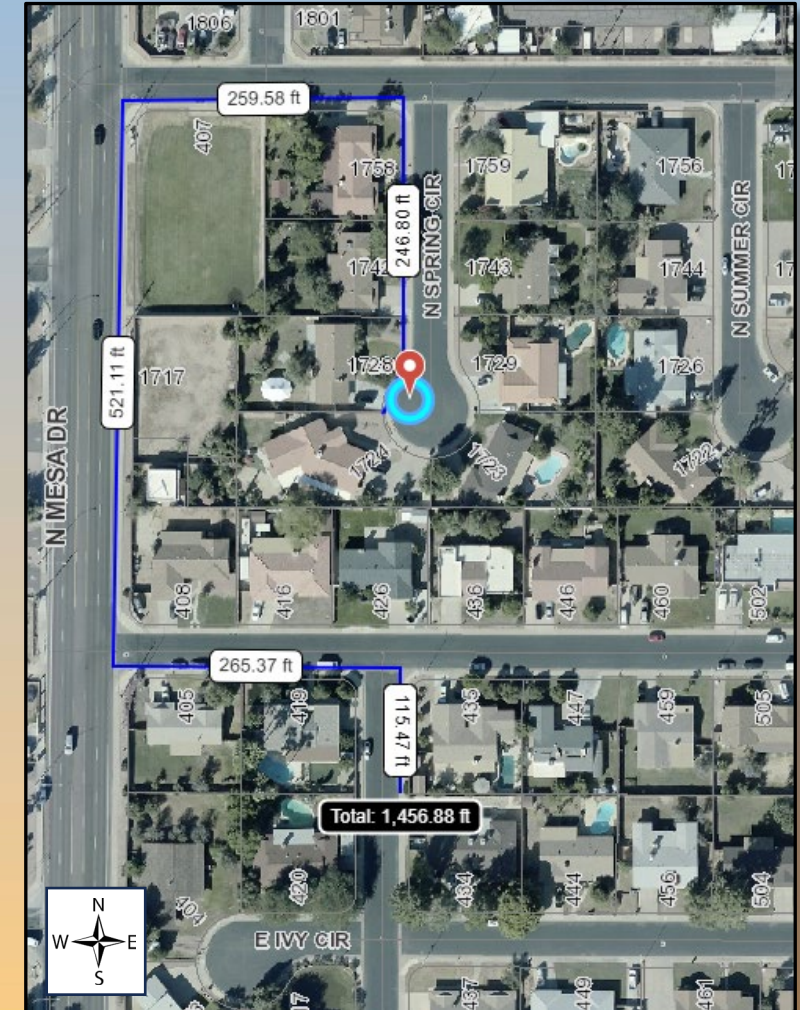




Spacing Requirement

Proposed Community Residence is:

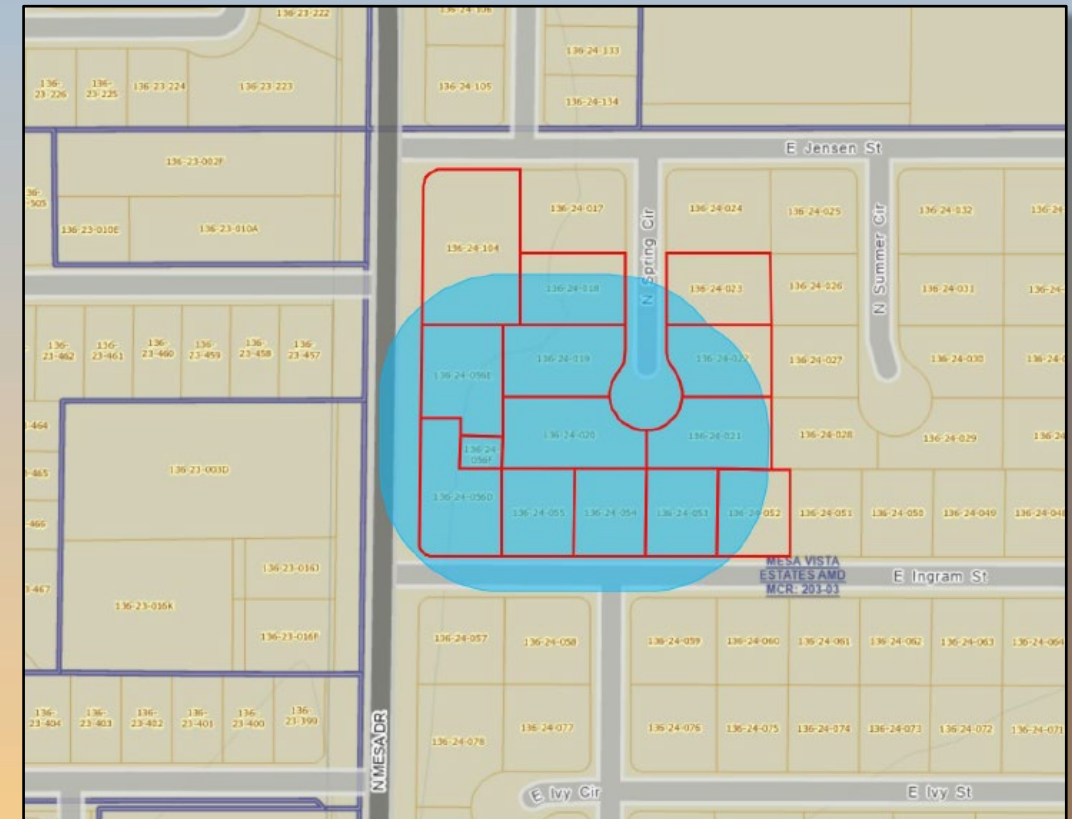
- 287 feet, measured as the crow flies & 1,457 feet ground distance from closest existing assisted living home
- 724 feet, measured as the crow flies & 1,574 feet ground distance from closest existing assisted living center





Citizen Participation

- Notified property owners within 150 feet
- Neighborhood meeting held on January 20, 2024, with 5 attendees
- 1 phone call





Approval Criteria

Per Section 11-31-14(D)(1):

- ✓ The proposed use will not interfere with the community integration of the residents of any existing community residences, assisted living homes, or assisted living centers, or their ability to interact with neighbors without disabilities; and the presence of other community residences, assisted living homes, or assisted living centers will not interfere with the community integration and interaction of the residents of the proposed use;
- ✓ The proposed use in combination with any existing community residences, assisted living homes, or assisted living centers will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or by creating or intensifying a de facto social service district by clustering or concentrating community residences, assisted living homes, or assisted living centers; and
- ✓ The proposed use complies with all other development standards in this Chapter.



Findings

- ✓ Complies with the 2040 Mesa General Plan
- ✓ Meets required findings for a SUP in Section 11-31-14(D)(1) of the MZO

Staff recommends Approval with Conditions