

Virtual Platform

Date: March 3, 2021 Time: 5:30 p.m.

MEMBERS PRESENT:

- *Chair Adam Gunderson
- *Vice Chair Ken Rembold
- *Boardmember Chris Jones
- *Boardmember Steve Curran
- *Boardmember Alexis Wagner
- *Boardmember Nicole Lynam

MEMBERS ABSENT:

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

STAFF PRESENT:

- Rachel Prelog
- Lesley Davis
- Margaret Robinson
- Charlotte Bridges
- Kellie Rorex
- Chloe Durfee-Sherman
- Sean Pesek

OTHERS PRESENT:

None

1 Call meeting to order.

Chair Gunderson declared a quorum present and the Public Hearing was called to order at 5:31 p.m.

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 Rembold and seconded by Boardmember Lynam.

Items on the Consent Agenda

3 Approval of the following minutes from previous meeting:

***3-a Minutes from January 6, 2021 Study Session and Public Hearing.**

Vote: 6-0

Upon tabulation of vote, it showed:

AYES – Gunderson-Rembold-Curran-Wagner-Jones-Lynam

NAYS – None

ABSENT –None

ABSTAINED – None

4 Take action on the following cases:

***4-a Case No.: BOA20-00696 (Approved with Conditions)**

Location: District 5. Within the 1500 to 1600 block of N. Power Road (east side) and within the 6800 to 6900 block of E. Hobart Street (north side). Located east of Power Road on the north side of Hobart Street.

Subject: Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) for a church in the RS-35 district.

Decision: Approved with Conditions.

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

A motion to approve case BOA20-00696 was made by Boardmember Jones as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Lynam to approve the following conditions:

1. Compliance with the sign plan documents submitted.
2. Compliance with the lighting control standards of MZO Section 11-43-5(B)(1).
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
4. All signage to be reviewed and approved through a separate permit application.

The Board’s decision is based upon the following Findings of Fact:

- A. The Church of Christ is made up of three parcels, totaling just under 8 acres in size, with over 590 linear feet of street frontage on Power Road.
- B. The three parcels that make up the Church of Christ campus are zoned RS-35.
- C. The applicants are proposing to modify two existing legal nonconforming monument signs located along Power Road.
- D. The existing monument signs were permitted in 2006 with a sign area allowance of 32 square feet, a height of seven feet six inches (7’6”), and the placement of one sign 13 feet from the front of the curb on Power Road.
- E. The modifications include increasing the sign area for both signs to be 48 square feet, to allow a portion of both monument signs to be electronic, and for the electronic portions to be on 24 hours a day, with auto dimming that conforms with the Mesa Zoning ordinance requirements.
- F. Both existing sign structures will be maintained.
- G. Today’s sign code does not allow illuminated signs in the RS district and all detached signs are limited in height to four feet (4’) with 4 square feet (4’) of sign area.

- H. The requested modifications of the CSP are consistent with a Public/Semi-public use, and the size of the site.
- I. The existing use of the site as a church is consistent with the Neighborhood Character Area and the goals of the Mesa 2040 General Plan.
- J. The monument signs will meet the requirements of MZO Section 11-43-5 and reducing the brightness of the electronic message panels in the evening and at night.
- K. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

***4-b Case No.: BOA20-00806 (Approved with Conditions)**

Location: District 5. 8028 E. McLellan Road.

Subject: Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the height limit in the RS-35 district.

Decision: Approved with Conditions.

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

A motion to approve case BOA20-00806 was made by Boardmember Jones as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Lynam to approve the following conditions: Compliance with all final documents submitted with this application.

1. The wireless communication facility shall utilize a monoelm design with a maximum height of eighty feet (80') to the top of the monoelm.
2. The monoelm leaves shall be painted color shade one (1) from the manufacturer's brochure.
3. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux elm leaves.
4. Faux elm branch density shall not be reduced in proximity to antenna arrays and branches shall extend past antennas a minimum of twelve inches (12").
5. The pole of the monoelm shall be covered in an artificial two-toned bark from six feet (6') above ground to a height of twenty-five feet (25') and painted to match the artificial two-toned bark above twenty-five feet (25').
6. The lease area containing the ground-mounted equipment shall be screened by a minimum eight-foot-tall (8') CMU wall, painted to be compatible with the natural desert surroundings.
7. Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.
8. Maintenance of the facility shall conform to the requirements of Mesa Zoning Ordinance Section 11-35-5(I).

9. The operator of the WCF shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.
10. No later than 90 days from the date the use is discontinued or from the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or the owner's agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.
11. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
12. Future co-location of additional carriers shall require individual zoning approval.
13. Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the monoelm or facility as approved in case BOA20-00806 and the Mesa Zoning Ordinance as amended.
14. Any roadway improvements to McLellan Road or gate modifications off of 86th Street will require review and approval by the City of Mesa Transportation Department.

The Board's decision is based upon the following Findings of Fact:

- A. The proposed wireless communication facility would be located in the Desert Uplands Sub-area at a site zoned RS-35.
- B. The land is owned by the Bureau of Land Management and leased to the City for Red Mountain Park.
- C. The proposed tower design is a monoelm, which is considered a stealth design.
- D. The proposed wireless communication facility will replace an existing facility nearby once the existing facilities lease has terminated.
- E. The proposed wireless communication facility will be screened by an eight-foot (8') CMU wall.
- F. The proposed facility will be over 1,000 feet from the nearest residential use and 81 feet from the future McClellan Road right-of-way line, meeting the separation and setback requirements per MZO Section 11-35-5(E).
- G. The monoelm design does not meet the planting guidelines within the Desert Uplands Sub-area, however, the applicant has worked with staff on the monoelm design to best blend in with the site and context.
- H. The proposed wireless communication facility meets all other applicable requirements of MZO 11-35-5, Location, Design and Operation Requirements; and 11-35-6, Review and Approval Procedures.

- I. The location, size, design and operating characteristics of the proposed project are consistent with the purposes of the RS-35 district and conform with the General Plan.
- J. 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.
- K. There are adequate public services, public facilities and public infrastructure available to serve the proposed project.

***4-c Case No.: BOA20-00869 (Approved with Conditions)**

Location: District 3. 1919 W. Main Street
Subject: Requesting a Special Use Permit (SUP) to allow modifications to an existing Comprehensive Sign Plan (CSP) in the LI-CUP District.
Decision: Approved with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA20-00869 was made by Boardmember Jones as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Lynam to approve the following conditions:

- 1. Compliance with the sign plan documents submitted.
- 2. Compliance with Case BA89-051, except as modified by this request.
- 3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
- 4. All signage to be reviewed and approved through a separate permit application.

The Board's decision is based upon the following Findings of Fact:

- A. The site is existing and has an approved Comprehensive Sign Plan that is being modified.
- B. Per Section 11-43-3(D)(1) of the MZO, the development is allowed five (5) attached signs with a maximum aggregate sign area of 500 square feet and a maximum 180 square feet of sign area per a sign.
- C. The applicant is proposing seven (7) attached signs with a max aggregate sign area of 390 square feet and 180 square feet of sign area per a sign.
- D. The applicants are also Requesting to modify the existing CSP to switch the monument sign along the entrance of Dobson Road from a type A design to a type B design.
- E. The site is located within the Asian District and the proposed signage will contribute to a sense of place and signal to visitors that they have entered the district.
- F. The materials and design of the proposed signs will be well integrated with the theme and architecture of the building.

- G. The subject CSP will advance the goals and objectives of the General Plan. The sign area allowances are also consistent with the location, size, design and operating characteristics of the property and will not be injurious or detrimental to the surrounding properties.

Consent Agenda Approved

Vote: 6-0
Upon tabulation of vote, it showed:
AYES – Gunderson-Rembold-Curran-Wagner- Jones-Lynam
NAYS – None
ABSENT – None
ABSTAINED – None

Items not on the Consent Agenda

5 Take action on the following cases:

***5-a Case No.: BOA21-00047 (Approved with Conditions)**

Location: District 1. 1024 E. Norwood Street.
Subject: Requesting a variance from the required side yards setbacks to allow for an addition to an existing single residence in a RS-43 District.
Decision: Approved with Conditions.
Summary: This item was not the consent agenda and was discussed on an individual basis.

Staffmember Charlotte Bridges presented case BOA21-00047 to the Board. The location of this property is at 1024 East Norwood Street. Norwood Street is located west of Mountain View Road and it's approximately a third of mile north of Lehi Road. The subject site is located in the neighborhood character area of the General Plan and is in the Agricultural Sub-type. The Neighborhood character area focus is on making the area a safe places to live providing a variety of housing, and the Agricultural Sub-type puts emphasis on keeping and raising of life livestock in addition to maintaining large lot/rural. The site is also located in the Lehi Sub-area, which also focuses on maintaining the rural character of the neighborhood and continuing large lot development of that neighborhood. With properties being zoned RS-43, the existing single residence conforms to the goals of the General Plan and the Lehi Sub-area Plan.

This variance request is to reduce the required side yard setbacks to allow for an addition to an existing single family residence. The existing home meets the RS-43 minimum setback requirements. This proposal is to allow a garage addition to the to the east side of the home. The existing west side yard is 12 feet nine inches. The proposed east side yard would be 11 feet one inch, the aggregate or the sum of both side yards would be 23 feet 10 inches. The requirement in the RS-43 District is an aggregate area of 30 feet. The proposed garage addition is 23 feet three inches wide by 30 feet nine inches in length. The peak height of the proposed garage addition is 26 feet three inches. The applicant is also proposing a second story livable addition with a peak height of 29 feet nine inches, the maximum height in the RS-43 District is 30 feet.

In reviewing the review criteria for variance, staff did not find any special circumstances related to the lot size, shape, topography location or surroundings and does not meet it does not meet the requirement of the hardship not being self-imposed. This is a self-imposed hardship. It is possible to construct a garage edition in compliance with the Mesa Zoning Ordinance requirements. And

granting of this variance request would constitute a special privilege. In conclusion, staff is recommending denial of this request.

Chair Gunderson asked if the Board had already seen the case and if so, what the applicant had changed?

Staff Planner Charlotte Bridges said yes and stated that the applicant had lowered the height and increased the setback.

Boardmember Jones asked if there were any neighbor comments or feedback.

Staff Planner Chloe Durfee-Sherman read the following comment from Kathy Willis, who resides at 1038 E Norwood St. into the record:

"We respectfully request that current setbacks be upheld. The homeowners knew about, or at least had access to the setback information prior to purchasing the property. We understand their desire to expand their home but submit that it be done within the current guidelines for the Lehi area. The current residence sits upon an acre of land with room to make additions to their home without crowding neighbors and changing the face of the rural Lehi area. Setback variances have been cited, however the examples we are aware of are properties adjacent to a road, not bounded by neighbors."

The Board asked the applicant if they had reached out to the neighbors who had complained and the applicant responded that they had and marked out their proposed project so they could see it, but they had not heard from them since. The applicant also went into detail about the reason they wanted the variance and why they could not put it anywhere else on their property. They pointed out that their property did not meet the minimum width for the RS-43 District.

Each Boardmember spoke, with four Boardmembers being in support of the variance and two being against it. Chair Gunderson proposed alternative findings and conditions of approval for the case.

A motion to approve case BOA21-00047 was made by Chair Gunderson as read by Chair Gunderson with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Jones to approve the following conditions:

1. Compliance with the final site plan as submitted.
2. Compliance with all applicable City of Mesa Development Codes and regulations.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permit.

The Board's decision is based upon the following Findings of Fact:

- A. The house was built in the 1963 and annexed into the City of Mesa in 1970.
- B. At the time of annexation, the existing lot, 118.15 feet wide by 333.17 feet long and 39,378 square feet (.90± acre) in area, did not meet the RS-43 District minimum required lot width of 130 feet and lot area of 43,560 square (1 acre) per Table 11-5-3 of the MZO, and is considered legal non-conforming.

- C. The existing structures on the subject site meet the MZO development standards for the RS-43 district, including an interior side yard setback of 12 feet, nine inches to the west property line and a 35-foot, 5-inch side yard setback to the east property line.
- D. Special circumstances are present that justify the variance request since the existing lot width of 118 feet is less than the RS-43 District minimum required lot width of 130 feet.
- E. The special circumstance is pre-existing and was not created by the applicant.
- F. Strict compliance with MZO development standards for the RS-43 District deprives the property of privileges enjoyed by other properties in the neighborhood, since there are other properties in the neighborhood with similar buildings within required side yards.
- G. Granting of this variance request does not constitute a special privilege inconsistent with MZO development standards for the RS-43 District, since there are other properties in the neighborhood with similar buildings within required side yards.

Case Approved with Conditions

Vote: 4-2
Upon tabulation of vote, it showed:
AYES – Gunderson-Curran-Jones-Lynam
NAYS – Rembold-Wagner
ABSENT – None
ABSTAINED – None

6 Items from citizens present: None.

7 Adjournment.

Boardmember Curran moved to adjourn the Public Hearing and was seconded by Vice Chair Rembold. Without objection, the Public Hearing was adjourned at 6:18 p.m.

Respectfully submitted,



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