

**Mesa Council Chambers Lower Level – 57 E 1<sup>st</sup> St**

**Date: January 5, 2022 Time: 5:30 p.m.**

**MEMBERS PRESENT:**

Chair Alexis Wagner  
Vice Chair Nicole Lynam  
Boardmember Adam Gunderson  
Boardmember Heath Reed  
Boardmember Troy Glover  
Boardmember Ethel Hoffman

**MEMBERS ABSENT:**

Boardmember Chris Jones

(\*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

**OTHERS PRESENT:**

**1 Call meeting to order.**

Chair Wagner declared a quorum present, and the Public Hearing was called to order at 5:30 p.m.

**2 Take action on all Consent Agenda items.**

A motion to approve the Consent Agenda was made by Boardmember Gunderson as read by Vice Chair Lynam and seconded by Boardmember Hoffman.

**Items on the Consent Agenda**

**3 Approval of the following minutes from previous meeting:**

**\*3-a Minutes from December 1, 2021 Study Session and Public Hearing.**

Vote: 6-0 (Boardmember Jones- absent)  
Upon tabulation of vote, it showed:  
AYES – Wagner-Lynam-Gunderson-Reed-Glover-Hoffman  
NAYS – None  
ABSENT – Jones  
ABSTAINED – None

**4 Take action on the following cases:**

**\*4-a Case No.: BOA21-01078 (Approved with Conditions)**

Location: District 4. 1050 S County Club Drive

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for the development of a restaurant with a drive-thru in the Limited Commercial (LC) 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 BOA21-01078 was made by Boardmember Gunderson as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Hoffman to approve the following conditions:

1. Compliance with the final site plan and landscape plan as submitted.
2. Approval of the Site Plan and Design Review requests, and compliance with those conditions of approval for ZON21-01090 and DRB21-01091.
3. Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.
4. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

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

- A. The site is zoned LC, and the restaurant use was established in 2006 as an update from the original plan approved back in 1975.
- B. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- C. Full compliance with current MZO would require significant alterations to the site including demolition of portions of the existing building and alterations to the on-site circulation.
- D. Improvements to the existing site include landscape improvements around the perimeter or the site, within the parking field, and the foundation base areas adjacent to the building elevations.
- E. 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.
- F. The proposed improvements will not create any new non-conformities.
- G. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

**Consent Agenda Approved**

Vote: 6-0 (Boardmember Jones- absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Gunderson-Reed-Glover-Hoffman

NAYS – None

ABSENT – Jones

ABSTAINED – None

**\*4-b Case No.: BOA21-01128 (Continued to February 2, 2022)**

Location: District 3. 1250 S. Alma School Road

Subject: Requesting a Development Incentive Permit (DIP) to allow deviations from certain development standards for a restaurant with a drive-thru facility in the Limited Commercial (LC) District.

Decision: Continued to February 2, 2022.

Summary: Continued to February 2, 2022.

**Consent Agenda Approved**

Vote: 6-0 (Boardmember Jones- absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Gunderson-Reed-Glover-Hoffman

NAYS – None

ABSENT – Jones

ABSTAINED – None

**\*4-c Case No.: BOA21-01149 (Approved with Conditions)**

Location: District 6. 9410 E Cadence Parkway

Subject: Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) for a multiple residence development in the Planned Community (PC) 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 BOA21-01149 was made by Boardmember Gunderson as read by Vice Chair Lynam, with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Hoffman to approve the following conditions:

1. Compliance with the sign plan documents submitted, except as modified by the conditions listed below;
2. All signs shall comply with Section 11-43-2 Design Standards for Permanent Signs and Sign Structures of the Mesa Zoning Ordinance, as required by Section 15.1 of the Cadence CP; and
3. All signs, when illuminated, shall conform to the City of Mesa Lighting and Electrical Code, and shall conform to the brightness standards specified in the Mesa Sign Ordinance as required by Section 15.3(a)(i)(6) of the Cadence CP; and
4. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

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

- A. Tavallo at Cadence is 16.3 ± acres, multiple residence development located south of Ray Road and east of Ellsworth Road, on the east side of Candence Parkway and within the Cadence Planned Community.
- B. The Tavallo at Cadence individual CSP conforms with Section 4.7 of the Cadence DU 1, Phase 1 Plan Cadence CP.
- C. The Tavallo at Cadence individual CSP conforms with the purpose and intent of Chapter 15 of the Cadence CP by establishing flexible sign criteria tailored to a specific development project with standards appropriate to the unique character of the development.

- D. The Tavallo at Cadence individual CSP conforms to Section 15.1 of the Cadence CP, which establishes the sign standards and criteria as set forth in the MZO as the base sign standards and criteria for use within the Cadence CP except as modified by this CSP.
- E. The Tavallo at Cadence individual CSP provides the required information for each proposed sign type in compliance with Section 15.3(a) of the Cadence CP.
- F. The two, detached signs, which are 23.35 square feet in area and eight feet in height per sign and separated by 64± feet, as proposed by the Tavallo at Cadence individual CSP, meet the review criteria in Section 15.3(a)(i) of the Cadence CP.
- G. Approval of the CSP will advance the goals and objectives of the General Plan and the Gateway Strategic Development Plan by accommodating a customized sign plan for the planned commercial/retail, employment, restaurant, and/or service uses within development.
- H. The location, size, and design of the proposed signage is consistent with the existing PC District, Cadence CP, and also conforms with the Mixed Use Community character area of the General Plan and the Mixed Use Community District of the Gateway Strategic Development Plan.
- I. The Tavallo at Cadence CSP will not be injurious or detrimental to the surrounding properties, nor to the general welfare of the City. The design, placement, quantity, and size respect the existing and planned context and character of the area.
- J. The Tavallo at Cadence CSP has no impact on public services, public facilities, or public infrastructure. Adequate public services, public facilities, and public infrastructure are available to serve Arrival at Cadence development.

**Consent Agenda Approved**

Vote: 6-0 (Boardmember Jones- absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Gunderson-Reed-Glover-Hoffman

NAYS – None

ABSENT – Jones

ABSTAINED – None

**Items not on the Consent Agenda**

**5 Take action on the following case:**

- 4-a Case No.: BOA21-00686 (Approved with Conditions)**  
Location: District 5. 3940 N Power Road  
Subject: Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the height limit in the Single Residence-9 District with a Planned Area Development Overlay (RS-9-PAD).  
Decision: Approved with Conditions  
Summary: Staff member Chloe Durfee-Sherman presented case BOA21-00686 to the Board

**Staff member Chloe Durfee Sherman:** Good evening Board and Chair. This is BOA21-00686. This is a request for a Special Use Permit to exceed the height limit and the RS-9PAD Zoning District to allow for the placement of an 80 foot wireless communication facility. This facility is located at 3940 North Power Road which is North of Thomas Road on the west side of Power Road within the Red Mountain Golf Course. The General Plan character area is Neighborhood, which the goal is to provide safe places for people to live and enjoy their surrounding community, provide opportunities for

people to gain a sense of place and feel connected to their larger community. The zoning of the site is Single Residence s 9 Planned Area Development RS-9PAD. Telecommunication facilities are an allowed use within this zoning district with a base height limit at 30 feet. Height increases are permitted when meeting setback requirements from residential lots. The design of this facility is proposed to be an 80 foot tall monoeucalyptus with colors chosen to blend in with existing desert plants in the area. You'll see below that there are several photo simulations of existing site as well as the site with a proposed wireless communication facility. This one is specifically looking north at the site and another one looking south at the site. And then this view is looking north from the nearest residential view to the south. There is a separation of more than 1,000 feet from any existing wireless communication facility in this proposed location. There's a setback from residential units which are required to be the height of the pole plus one foot. The tower will be over 500 feet from any of the nearest residential and there's a setback from the right of way on Power Road of over 100 feet. This is location of coverage if you also want to look at page 11 in the narrative provided in your packets. The applicant also pointed out that there is a zero coverage map provided there. But these show the old coverage maps and the new coverage maps, which is replacing an existing monopole south of the site just north of Thomas Road at the new site to the north will improve coverage in the surrounding areas. According to section 11-70-5(E) of the Mesa Zoning Ordinance, for Special Use Permit criteria one, the project will advance the goals and objectives of the General Plan and other City plans and our policies to the 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. Three, the project will not be dangerous or detrimental to the surrounding properties the neighborhood or to the general welfare of the City and for their adequate public services, public facilities and public infrastructure are available. The overall findings is that it does comply with the 2040 Mesa General Plan. It meets some of the approval criteria listed in Section 11-70-5(E) of the Mesa Zoning Ordinance for a Special Use Permit. And it complies with Section 11-35-5 of the Mesa Zoning Ordinance regarding location design and operation requirements for wireless communication facilities. Staff recommends approval with conditions and I'd be happy to answer any questions.

**Chair Wagner:** Thank you. I appreciate it. Are there any questions right now for the applicant? Does the applicant have a presentation that they'd like to give today?

**Applicant Mike Campbell:** Hey, good evening. I'm Mike Campbell. I'm a consultant for Crown Castle. My address is 6880 West Antelope Drive in Peoria. First I want to thank staff for the guidance on this case and the board for the opportunity to present here tonight. As stated by staff, my client proposes to construct a new co locatable 80 foot tall monitor eucalyptus and equipment compound. The new tree will initially house the antennas for T Mobile but will be engineered for additional three carriers. Note that the height that we're asking for is 80 feet but according to ordinance we could go to 85, 80 is adequate for this location. The location on the Red Mountain Golf Course is adjacent to the water pump station next to the lake 135 feet off and Power Road. Our access will come from an existing gated access there to the golf course from Power Road. The tree is 135 feet west of Power Road to meet City required setbacks to the right-of-way, the new site will be set back over 500 feet to the nearest residential in the north, south or east, excuse me west. The nearest residential property, we clearly exceed the City requirements on that location is tucked away and is the least intrusive with the design and the location along the golf course. This is a relocation site for T Mobile from a nearby facility off a Thomas Road with a relocation site. The limits as far as where we can go is restricted because there's an existing mature network there. So we can't go to the north side up there past all the houses on Power Road, it has to be fairly close to the existing site. Figure the cell tower cell networks is honeycombs. So if we're down here in the middle, and we now move 2 blocks or 2 combs

north, it throws things way out of whack and creates additional coverage gaps. Coverage gaps are what we're trying to avoid. The new site location will allow T Mobile to continue to serve the Red Mountain and Las Sendas communities as well as emergency services and commuters in the area with minimal impact to their mature network. And as you already mentioned, we do have the other coverage map which shows the site if T Mobile was to lose that site altogether. You can pretty much cut that northern half of the coverage map and just cut off the north half of that and it would be gone because coverage would just be nonexistent there and that can be detrimental. The monoeucalyptus design is a lighter green leaf and trunks have brown and tan as compared to some of the other designs that are available. But this one is the best to fit in with a desert horizon landscaping. One of the questions that was brought up to us was, and this is under location preferences, the power poles along Power Road. Yes, they look like great locations. But the poles there have no opportunity, First off SRP does not allow carriers to place their antennas atop the conductors. So that rules out the top of the pole. And secondly, they're from what I could count six levels of power lines on that pole. Some of them are conductors, some of them are fiber or telco. But SRP has requirements or separation, which would put us below the bottom line. We estimate that to be about 25 foot, and then there's separation requirements from that. So these things, if we were to go on that pole, we'd be at about a 20 foot RAD Center, which would not serve very much. The streetlight question came up, we estimated those 30 to 35 foot tall. Again, it varies in the area. So see, my client has reviewed the conditions of approval items one through 12 and accept it as written. This wireless communication facility meets or exceeds the city of Mesa wireless ordinance requirements. Additionally, public notices were mailed out on December 17, 2021, and I had not received any public comments. Since then, I do want to present three letters, sorry, three letters that are received back from the post office as returned not deliverable. And I respectfully ask for your support on this case. And will address any questions that you may have.

**Chair Wagner:** Thank you. Are there any questions from the board for the applicant?

**Boardmember Hoffman:** Yeah, this is Boardmember Hoffman. If this project were not to go forward, would that mean no cell service for a part of that area at all? Or is this specific to just cell service for those people that use T Mobile?

**Applicant Mike Campbell:** Boardmember Hoffman, that would impact the T Mobile customer directly.

**Boardmember Glover:** Mike, this is a board member Glover did I am I recalling correctly that the existing monopole height was somewhere 65 to 70 feet?

**Applicant Mike Campbell:** Yes Boardmember Glover I believe the other pole is 65 foot.

**Chair Wagner:** Thank you. Are there any other questions? Okay, now we will move to the public comments today. I will start that with we have received two comment cards before today's public hearing. First is from Kim and Randy Richter at 3844 North Street Elias Circle, Arizona, Mesa Arizona 85215. They would like their opposition to be on record. And they would like this comment. According to the ordinance regarding wireless communications towers, the City of Mesa was to have determined preferred locations for these facilities in a location requested in one of their preferred location areas. It would like it would appear as though a planned community and golf course would not be a preferred location. We understand that this is a relocation of a nearby tower. We don't believe a tower should be moved to a non-preferred location because the applicant can't or won't renew the lease associated with the existing tower. The second comment today is also from Kim and

Randy Richter at that same address written before. They also state that we want to know if the applicant prepared a citizen participation plan for this applicant application. Did this plan include a meeting with the notified neighbors adjacent to the proposed location and if not, why not? The applicant is also required to file a citizen participation record report 10 days prior to the Board of Adjustment meeting. Has this report been filed and made available to notified neighbors. We are in the category of notify neighbors and have not seen a report we have also received a another comment card from Kim Richter at that same address stated before and they would also like to speak today. Is Kim here.

**Principle Planner Michelle Dahlke:** Madam Chair members of the board, I can speak to the comment on the citizen participation if you'd like in advance. So special use permits have different requirements for citizen participation than for example a rezoning request, where neighborhood meetings are required, and citizen participation plans and reports are required to be submitted to staff before the public hearing. In this case, variances and special use permits follow State Statutes with regard to noticing. And so we have to notify neighbors within 15 days, and there's a minimum notification radius of 500 feet. In the case of the subject property, the applicant actually send out notifications to those within 750 feet. And he can speak to that in more detail. But I just wanted you to know there's a difference between the requirements.

**Boardmember Gunderson:** Can I ask a follow up question? So just to clarify, there was no neighborhood meeting required for this particular case? That's correct.

**Kim Richter:** Well, I realized I only have three minutes, I was hoping to get answers to the questions in my comment card, as well as my previous comment cards from the November meeting, I can say we have, I'll say, two big issue since I don't have much time. The first is I don't understand why the towers being relocated. There's adequate coverage there, I don't see much of a change other than providing coverage into the quarry, which I don't think will ever have houses built on it. And then the second one, which was in one of our previous comment cards, which I guess I don't know, how you guys get to see them is that the owner of the golf course previously tried to build houses on the driving range. And what we are concerned about now we know that that was turned down in Superior Court. Now you're allowing a special use if this is approved, to put in a utility. And let's just stop this person who owns the golf course from now putting in windmills or solar panels, or something else that wasn't contemplated when this development was designed in the early 80s. So we're quite concerned about that.

**Assistant City Attorney Margaret Robinson:** Hi, is Margaret Robinson, I'm the Assistant City Attorney for the City of Mesa, I cover the Board of Adjustment. Your question about what happened previously, and what can be built on the property is not the jurisdiction of this board. So we cannot address that question. You would have to contact the planning department, or constantly keep up with what if there is a rezoning or a site plan because even if what you anticipate is currently allowed under the zoning, they would still have to do a site plan before they could go forward. And if you're within the notice criteria, that would be the notice criteria under the rezoning statute. So you will know that but that will be under the Planning and Zoning board, not the Board of Adjustment.

**Kim Richter:** So if they decided to put windmills there, for example, it would not come to this as a special use.

**Assistant City Attorney Margaret Robinson:** If it does, you would get notified of that when that comes forward. But right now, we can't talk about any future development that's not currently part of the application or in front of this board.

**Kim Richter:** Okay, I appreciate your answer. But obviously, that's quite a concern that that can be opened up with the approval of this. Because it's going onto a golf course on a planned development. It's not, just, you know, residential. This is, is actually the golf course. It's the rough and there are houses there. And this is an entirety, play of a planned community. So if you allow this, you could allow you could open the door for other things.

**Staff member Chloe Durfee-Sherman:** Wireless communication facilities are permitted use within that zoning district. I'm not sure about those other facilities that you mentioned, but we do have specific uses and whether or not they're allowed or not allowed per the zoning.

**Chair Wagner:** May we receive some clarification from the applicant regarding why the current location is being moved to this new location for public?

**Applicant Mike Campbell:** Yes, Madam Chair, I'm going to address both of the issues that were raised by Miss Richter. The lease at the other location is expiring. So it has to be relocated. That's, that's just, it's how the business is. The question about the November 17th comments? And were they addressed? Yes, they were addressed. And in fact, staff had provided those to me shortly after the November 3, I think it was November 3 meeting. And I uploaded those answers, to dimes, and on each of the submissions, and there was a number of them and some very good questions. I responded by email to the Richter family on each of those matters. And I have that here. My letter that I went back to staff. So each of those questions were brought up or addressed in writing back to the questions that were raised. Richter family and Mrs. Schwartzkopf. I think that was it at that point.

**Staff member Chloe Durfee-Sherman:** And then forward, I would like to briefly address the first comment that was presented today for Kim and Randy Richter. It is within one of the preferred locations. The Mesa Zoning Ordinance does provide location requirements, with preferences ranked in order from most preferred to least preferred but still allowed. This is found in the staff report, but several of those several of those options were gone through and not found to be available in the area provided or needed by the applicant. And the option that was landed upon which is a stand alone camouflage stealth tower in a single residential district is within one of those preferences.

**Chair Wagner:** Thank you for that clarification. We will now hear from the next member of the public for this comment card. It's from Debbie Schwartzkopf. Their comment is why when there is open space across the street on Power, does this tower not have to go? Why does this tower have to go on the golf course? Do you would you like to address that?

**Applicant Mike Campbell:** Yes. Just give me a minute. You're saying open space across?

**Chair Wagner:** Yes. So they are saying that there is an open space across the street on Power? I'm not sure necessarily what that location is. But they're asking why does this tower have to go on the golf course and not on that available location across the street?

**Applicant Mike Campbell:** The lands across the Power Road are part of the canal piracy, right? And then the Maricopa County Flood Control District owns the lands from the canal bank up to the there's



probably some retention residential area on that site. Obviously we cannot go in flood basins. So those sites were not looked at.

**Debbie Schwarzkopf:** I am Debbie Schwarzkopf. 3850 North St. Elias Circle. So my question was across the street, if you look on the map, from Power, just right up, just east of Power is about 50 feet before you come to a fence. And then the canal is past the fence east of the fence. So there's this whole open space I'm guessing it's at least 50 feet that's open all the way down. And I do believe it belongs to SRP but my question is why it can't the tower cannot go on that property or that land.

**Assistant City Attorney Margaret Robinson:** Chloe, are you able to go to the city map and find the location that she's talking about?

**Principle Planner Michelle Dahlke:** Would you like them to maybe come to this monitor so you can see where they're pointing?

**Debbie Schwarzkopf:** There's a chain link fence here. And then we get to the canal here. So I'm guessing this is at least 50 feet. So I know that it's all open and then you have depth you have the canal and then we have another fence. Right.

**Applicant Mike Campbell:** You have the canal bank, Central Arizona Project and retention. With the consideration of the City of Mesa's required setbacks there is nowhere to place it.

**Chair Wagner:** Thank you. We currently don't have any more comments. We can now open this up for a rebuttal by the applicant if you'd like to. I mean, you've addressed most of it.

**Applicant Mike Campbell:** Madam Chair, Um, no, I don't have any further information to add. And I hope that was good clarification, or thanks for bringing that up on the screen. So yes, the area was vetted very strongly because it was kind of sensitive, we didn't want to impact an area where we don't have to this, I stumbled across this entry to the golf course there, which is, it's the water pump station is somewhat of a maintenance area. And it is a long way from houses, but still provides the coverage that my client wants.

**Chair Wagner:** Alright, thank you. Since we don't have any more comments, the public hearing will now be closed and we as a board will discuss this item. So we can either discuss as a board or somebody if someone would like to make a motion, they're also allowed to do so. I would like to start by saying that I am in alignment with the staff proposal to approve with conditions based off of the presentation and the current facts that we have as seeing that this is the best fit for this. And the with respect to all of the other comments as well. I still think that this is a great location for this.

**Vice Chair Lynam:** This is Vice Chair Lyneham. I think that from the information we received in the clarification from the applicant, utilities are one of those things that we need to have in our lives. Everybody wants their cell service and that's part of the necessity of city life is to have these utilities from the area around it. It does look like there's they've looked pretty thoroughly on what options are available and from looking at the staff report. They've looked at what options are available. I do kind of agree that having it in the golf course does give it the maximum distance from the houses and left minimum impact on it. So I am leaning in favor of the applicant on this one. With the conditions that are in the report from staff.

**Boardmember Hoffman:** This is Boardmember Hoffman, I am feeling likewise, I am sensitive to the concerns that the residents have in the area about future. But there is the means to deal with that, I think the benefit of having that service there and potentially other companies that can tap into that, to expand that service, you know, we all know that the demand is only growing for electronic in cell services. So, I would say that the benefit long term benefit outweighs the concerns at specially noting that there is an opportunity for other structures that may not provide the same level of benefit to be addressed through another means.

**Boardmember Glover:** This is board member Glover I'm I find myself in favor for the reasons that have been previously noted.

**Chair Wagner:** All right, this is Chair Wagner. I would like to move to approve BOA21-00686, which is in District 5 3940 North Power Road that was requesting a special use permit to allow a wireless communication facility to exceed the height limit on the single residence nine district with a planned Area Development overlay. Would anyone like to second that.

**Vice Chair Lynam:** I will second that motion.

Vote: 5-0 (Boardmember Jones - absent)

Upon tabulation of vote, it showed:

AYES – Wagner-Lynam-Gunderson -Glover- Hoffman

NAYS – None

ABSENT – Jones

ABSTAINED – Reed

**6 Items from citizens present:** None

**7 Adjournment.**

Boardmember Hoffman moved to adjourn the Public Hearing and was seconded by Boardmember Glover. Without objection, the Public Hearing was adjourned at 5:58 p.m.

Respectfully submitted,

*Michelle Dahlke*

Michelle Dahlke,  
On behalf of Zoning Administrator (Dr. Nana Appiah)