

Mesa Council Chambers Lower Level – 57 E 1st St

Date: September 7, 2022 Time: 5:30 p.m.

MEMBERS PRESENT:

Chair Alexis Wagner
Boardmember Chris Jones
Boardmember Adam Gunderson
Boardmember Heath Reed
Boardmember Ethel Hoffman
Boardmember Troy Glover

MEMBERS ABSENT:

Vice Chair Nicole Lynam

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

STAFF PRESENT:

Michelle Dahlke
Evan Balmer
Jennifer Merrill
Charlotte Bridges
Josh Grandlienard
Samantha Brannagan
Chloe Durfee Daniel
Alexis Jacobs

OTHERS PRESENT:

1 Call meeting to order.

Chair Wagner declared a quorum present, and the Public Hearing was called to order at 5:50 p.m.

2 Take action on all Consent Agenda items.

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

Items on the Consent Agenda

3 Approval of the following minutes from previous meeting:

***3-a Minutes from August 3, 2022 Study Session and Public Hearing.**

Vote: 6-0

Upon tabulation of vote, it showed:

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

NAYS – None

ABSENT – Lynam

ABSTAINED – None

4 Take action on the following cases:

***4-a Case No.: BOA22-00501 (Approved with Conditions)**
Location: District 6. 8946 E Germann Road
Subject: Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the height limit in the Light Industrial Zoning District with a Council Use Permit Overlay (LI-CUP).
Decision: Approved with Conditions
Summary: This item was on the consent agenda and not discussed on an individual basis

A motion to approve case BOA22-00501 was made by Boardmember Hoffman as read by Boardmember 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 all final documents submitted with this application.
2. The wireless communication facility shall utilize a stealth broadleaf tree design with a maximum height of sixty five feet (65') to the top of the broadleaf tree.
3. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux broadleaf leaves.
4. 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.
5. 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.
6. Maintenance of the facility shall conform to the requirements of Mesa Zoning Ordinance Section 11-35-5(I).
7. 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.
8. 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.
9. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
10. Future co-location of additional carriers shall require individual zoning approval.
11. Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the Broadleaf Tree or facility as approved in case BOA22-00501 and the Mesa Zoning Ordinance as amended.
12. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix Mesa Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map or prior to the issuance of a building permit).
13. Written notice be provided to future property owners, and acknowledgment received that the project is within 2 mile(s) of Phoenix Mesa Gateway Airport.
14. Due to the proximity to Phoenix Mesa Gateway Airport (PMGA), any proposed permanent, or temporary structure, as required by the FAA, is subject to an FAA filing, for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. If required, an FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance

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

- A. The proposed wireless communication facility would be located in the Light Industrial Zoning District with a Council Use Permit Overlay (LI-CUP).
- B. The proposed tower design is a stealth broadleaf tree, which is considered a stealth design.
- C. The proposed facility will be over 300 feet from the nearest residential use and over 400 feet from the public right-of-way line, meeting the separation requirements per MZO Section 11-35-5(E).
- D. The proposed facility meets the allowed setbacks for the zoning district.
- E. The applicant has worked with staff on the stealth broadleaf tree design to best blend in with the site and context.
- F. 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.
- G. The location, size, design and operating characteristics of the proposed project are consistent with the purposes of the LI-CUP district and conform with the General Plan.
- 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.
- I. There are adequate public services, public facilities and public infrastructure available to serve the proposed project.

Consent Agenda Approved

Vote: 6-0

Upon tabulation of vote, it showed:

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

NAYS – None

ABSENT – Lynam

ABSTAINED – None

***4-b Case No.: BOA22-00550 (Approval with Condition)**
Location: District 1. 2831 East McKellips Road
Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards, a Variance to allow encroachment into the east side setback, and a Special Use Permit (SUP) for the expansion of an existing carwash onto an adjacent parcel 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 BOA22-00550 was made by Boardmember Hoffman as read by Boardmember 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 and landscape plan as submitted, with the following exceptions:
 - a. In the eastern parcel, provide landscape islands with trees and shrubs at the south ends of the rows of standard parking spaces, and provide a minimum of 3 trees and 20 shrubs along the east property line adjacent to the standard parking spaces.
 - b. Provide a minimum of 4 trees and 24 shrubs along the north property line adjacent to McKellips Road.
2. Replace dead and damaged landscape materials, decomposed granite and irrigation system in the landscape areas.
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:

SCIP Findings

- A. The site is zoned LC, and a Special Use Permit and Variance were approved for the existing car wash on the middle parcel.
- 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 demolition of existing buildings and significant alterations to existing vehicular circulation patterns.
- D. Proposed improvements to the existing site include providing 44 new shrubs.
- E. The modifications requested are inconsistent with the degree of improvements to the site and do not bring the site into a closer degree of conformance with current MZO standards. Condition #3 is included to ensure that landscaping is improved throughout the site.
- F. The SCIP requests outlined in Table 1 above do not include any new non-conforming conditions.
- G. The proposed improvements, and overall landscape improvements throughout the site, will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

SUP Findings

- A. The existing site is 2± acres.
- B. The existing car wash building on the center parcel was approved in 1992. The eastern parcel has been used as a parking area site since the 1990s per Maricopa County historical arial photography, but a site plan was never approved for this parcel.
- C. The existing pavement encroaches into the side setback along the east property line. Per the site plan, the existing side setback is five-feet two-inches between the proposed vacuum spaces and the east property line, and 11-feet between the standard parking spaces and the east property line.
- D. There are special circumstances that justify the variance request for the reduced landscape setback along the eastern property line.
- E. Strict compliance with MZO development standards for the LC district would deprive the property of privileges currently enjoyed by other legal non-conforming properties in the neighborhood.
- F. Granting of this variance request does not constitute a special privilege inconsistent with MZO development standards for the LC district and the properties within the immediate area.

Consent Agenda Approved

Vote: 6-0

Upon tabulation of vote, it showed:

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

NAYS – None

ABSENT – Lynam

ABSTAINED – None

***4-c Case No.: BOA22-00584 (Approval with Condition)**

Location: District 3. 727 West 8th Place. Located west of Country Club Drive and north of Rio Salado Parkway on the south side of West 8th Place

Subject: Requesting a Development Incentive Permit (DIP) to allow deviations from certain development standards for a multiple residence development.

Decision: Approval with Conditions

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

A motion to approve case BOA22-00584 was made by Boardmember Hoffman as read by Boardmember 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 and landscape plans 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 ZON22-00583 for site plan review and alternative compliance.
4. Recordation of a lot combination prior to the issuance of a building permit.

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

- A. The subject property does not exceed five net acres and was created by the assembly of two or more individual, contiguous parcels
- B. The subject property is served by, or has direct access to, existing utilities within West 8th Place.
- C. The total developable land area within 1,200 feet of the subject property is not more than 25 percent vacant.
- D. Greater than 50 percent of lots within 1,200 feet of the subject property have been developed for more than 15 years.
- E. The requested deviations through the DIP will allow for the development of a bypassed parcel.
- F. The proposed development is consistent with the General Plan's Neighborhood character area designation.
- G. The requested modifications will result in a development that is commensurate with existing development in the vicinity.

Consent Agenda Approved

Vote: 6-0

Upon tabulation of vote, it showed:

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

NAYS – None

ABSENT – Lynam

ABSTAINED – None

***4-e Case No.: BOA22-00764 (Approved with Conditions)**
Location: District 4. 325 North Alma School Road. Located east of Alma School Road and south of University Drive.
Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the enlargement of a legal nonconforming commercial structure within the Office Commercial (OC) Zoning 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 BOA22-00764 was made by Boardmember Hoffman as read by Boardmember 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 and landscape 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.

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

- A. The site is zoned OC, and the existing office building was developed in the mid 1960's.
- 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 the existing structure and alterations to the on-site circulation and parking.
- D. Improvements to the existing site including landscape improvements around the western perimeter and within the parking field and site overall.
- 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

Upon tabulation of vote, it showed:

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

NAYS – None

ABSENT – Lynam

ABSTAINED – None

- *4-f Case No.: BOA22-00802 (Continued to October 5, 2022)**
Location: Within the 8900 to 9200 blocks of East Elliot Road (north side) and within the 8900 to 9200 blocks of East Peterson Avenue (south side). Located west of Ellsworth Road on the north side of Elliot Road.
Subject: Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) for an industrial development in the Light Industrial zoning district with a Planned Area Development overlay (LI-PAD).
Decision: Continued to October 5, 2022
Summary: This item was on the consent agenda and not discussed on an individual basis

A motion to continue case BOA22-00802 was made by Boardmember Hoffman as read by Boardmember Gunderson and seconded by Boardmember Jones to approve the following conditions:

Consent Agenda Approved

Vote: 6-0

Upon tabulation of vote, it showed:

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

NAYS – None

ABSENT – Lynam

ABSTAINED – None

Items not on the Consent Agenda

5 Act on the following case: None

6 Items from citizens present:

***4-d Case No.: BOA22-00697 (Continued to October 5, 2022)**
Location: District 4. 755 East 1st Street
Subject: Requesting a variance to allow an accessory dwelling unit to exceed the maximum size of 30% of the primary residence in the Single Residence 6 (RS-6) Zoning District
Decision: Continued to October 5, 2022
Summary: Staff member Samantha Brannagan presented case BOA22-00697 to the Board

Discussion ensued with applicant and the Board about what other options were available for the applicant. Boardmember Jones informed the applicant that the changes should be discussed with staff prior to coming to the meeting and a motion to continue case BOA22-00697 was made by Boardmember Jones and seconded by Boardmember Gunderson to continue the case to the October 5, 2022 Board of Adjustment meeting:

Vote: 6-0

Upon tabulation of vote, it showed:

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

NAYS – None

ABSENT – Lynam

ABSTAINED – None

7 Adjournment.

Boardmember Jones moved to adjourn the Public Hearing and was seconded by Boardmember Gunderson. Without objection, the Public Hearing was adjourned at 5:50 p.m.

Respectfully submitted,

Evan Balmer

Evan Balmer,
On behalf of Zoning Administrator (Dr. Nana Appiah)