

Board of Adjustment

Minutes

City Council Chambers, Lower Level March 11, 2014

Board Members Present:

Trent Montague – Chair
Mark Freeman
Shelly Allen
Tyler Stradling
Greg Hitchens

Board Members Absent:

Chad Cluff
Wade Swanson

Staff Present:

Gordon Sheffield
Angelica Guevara
Julia Kerran
Kim Steadman
Wahid Alam
Lisa Davis
Kaelee Wilson
Lesley Davis
Margaret Robertson
Mike Gildenstern

Others Present:

Mike Campbell
Charles Huellmantel

The study session began at 4:34 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:20 p.m., the following items were considered and recorded.

Study Session began at 4:34 p.m.

- A. Zoning Administrator's Report
- B. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:10 p.m.

Public Hearing began at 5:30 p.m.

- A. Consider Minutes from the February 11, 2014 Meeting a motion was made by Boardmember Stradling and seconded by Boardmember Freeman to approve the minutes. Vote: Passed 5-0 (Absent – Boardmember Cluff and Swanson)
- B. Consider Proposed Revisions to the By-laws of the Board of Adjustment a motion was made by Boardmember Stradling and seconded by Boardmember Freeman to continue the consideration of proposed revisions to the By-laws until the April 8, 2014 meeting. Vote: Passed 5-0 (Boardmembers Cluff and Swanson absent)

**Board of Adjustment Meeting
March 11, 2014**

- C. Consent Agenda a motion to continue the proposed revisions to the By-laws to the April 8, 2014 meeting was made by Boardmember Allen and seconded by Boardmember Hitchens. Vote: Passed 5-0 (Boardmembers Cluff and Swanson absent)

**Board of Adjustment Meeting
March 11, 2014**

Case No.: BA13-045

Location: 960 North Riverview

Subject: Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height allowed in the PS-PAD zoning district. (PLN2013-00392) (Continued from the February 11, 2014 hearing)

Decision: Approval with conditions

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

Motion: It was moved by Boardmember Allen seconded by Boardmember Hitchens to approve case BA13-045 with the following conditions.

1. *Compliance with the site plan and preliminary elevations submitted, except as modified by the following conditions below.*
2. *The wireless communication facility shall utilize a stealth hexagon tower design with a maximum height of seventy-five feet (75') to the top of the structure.*
3. *The wireless communication antennas and associated equipment shall be located within the tower and screened from external view.*
4. *The exterior materials, finishes, and colors shall be compatible with those used at the Cubs Spring Training Facility.*
5. *The tower will be designed to allow up to four carriers.*
6. *All antennas, mounting hardware, and other equipment near the antennas shall be screened from view.*
7. *Provide and maintain a 4-foot wide landscape planter surrounded by a 6-inch vertical curb to help anchor the base of the wireless communication facility.*
8. *Final aesthetic design of the tower shall be submitted to the Planning Division staff for Administrative Design Review and approval.*
9. *The lease area containing the equipment and/or shelter and generator shall be screened by a masonry wall with solid metal gates. The masonry on the screen wall shall match the masonry used on the screen walls used within the Cubs Spring Training Facility surrounding this site.*
10. *The operator of the cell tower shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
11. *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.*
12. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5-l.*
13. *No later than 90 days from the date the use is discontinued or 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 his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
14. *Compliance with all requirements of Development Services for the issuance of building permits.*

Vote: Passed (5-0) (Absent – Boardmembers Cluff and Swanson)

**Board of Adjustment Meeting
March 11, 2014**

FINDINGS

1. The Special Use Permit (SUP) allows the placement of 75-foot tall stealth hexagon tower adjacent to the east property line of the City of Mesa Wastewater Treatment Facility located west Dobson Road just south of the Red Mountain Loop 202 Freeway. The tower and associated ground-mounted equipment will be entirely located within the lease area.
2. The wireless communication facility addresses “both capacity deficiencies and a gap in coverage.” Approval of a SUP for this tower required finding that the wireless communication facility is compatible with and not detrimental to surrounding properties and is consistent with the General Plan and other recognized plans and policies approved by the City Council.
3. Wireless communication facilities that exceed the maximum height permitted, are an allowed use in the PS-PAD Zoning District subject to granting of a Special Use Permit. In addition, the Zoning Ordinance includes location, design, and operation requirements.

**Board of Adjustment Meeting
March 11, 2014**

Case No.: BA14-008

Location: The 1300 to the 1400 blocks of South Hawes Road (east side)

Subject: Requesting a Special Use Permit to allow a Wireless Communication Facility to exceed the maximum height allowed in the AG zoning district. (PLN2014-00022)

Decision: Continuance to the April 8, 2014 hearing

Summary: Zoning Administrator Gordon Sheffield explained to the Board that Councilmember Somers was concerned about the case and suggested that another site be chosen and that the case be continued.

The applicant, Michael Campbell, of Campbell A&Z, LLC for Verizon Wireless, presented the case and informed the board that the chosen site for the Wireless Communication Facility was the best possible location due to constraints imposed by ADOT and lack of interest in selling property from other landowners in the area. Mr. Campbell went on to explain to the Board that there are 17 residents in opposition, but over 90% not in opposition.

Charles Huellmantel was in opposition, stating that the Wireless Communication Facility could be located in a more suitable location, suggesting that the applicant find a location 300 feet away from the concerned neighbors, or modify the retention area to accommodate the facility. He encouraged ADOT, Verizon, the City of Mesa, and the applicant to work together to find a more appropriate location. Mr. Huellmantel informed Boardmembers Freeman and Allen that while the monopalm, 12 foot wall and 65 foot tower is less than desirable, the residents would be supportive if the facility was positioned at least 300 feet from the park, away from entrances.

Al McCann, the owner of the park explained to the Board that he has recently made \$100,000 in improvements and upgrades to the property and he feels that a Wireless Communication Facility so close to an entrance will detract from the overall quality of the neighborhood.

Mike Campbell explained to the Board that the other potential sites presented development obstacles such as underground channels, interference with designated retention areas, utilities, and access. The red site has underground utilities, a water pump, and a transformer line nearby. The site next to Loop 202 and Southern Avenue was viable, but it is covered in concrete. Mr. Campbell also explained to the Board that the 12 foot screening wall around the site was a Planning staff requirement, but he softened the impact of the wall by incorporating design elements to complement the park.

Mr. Campbell explained to Chairperson Montague and Boardmember Allen that he didn't locate the Wireless Communication Facility further from the entrance to the park because ADOT said that the current site would be acceptable.

Mr. Campbell informed Boardmember Hitchens that ADOT was not supportive of the

**Board of Adjustment Meeting
March 11, 2014**

potential green spot, as heavy equipment would need to traverse over the concrete during tower construction, but the furthest southern potential location could possibly be rotated 90 degrees and still be effective, pending RF engineer approval.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Allen to continue Case BA14-008 to the April 8, 2014 meeting.

**Board of Adjustment Meeting
March 11, 2014**

Case No.: BA14-010

Location: 1860 S. Stapley Drive

Subject: Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height allowed in the LC-PAD zoning district. (PLN2014-00023)

Decision: Approval with Conditions

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

Motion: It was moved by Boardmember Allen seconded by Boardmember Hitchens to approve Case BA14-010 with the following conditions:

1. *Compliance with the site plans and elevations submitted January 15, 2014 and dated October 22, 2013, except as modified by the following conditions below.*
2. *The wireless communication facility shall utilize a monopalm design with a maximum height of fifty-five feet (55') to the top of the palm canopy and 46' forty-six feet to the RAD center of the antenna array.*
3. *The wireless communication facility shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Palm fronds shall be a minimum of 11-feet in length.*
4. *Palm tree trunk to have bark cladding material to resemble the bark of a date palm.*
5. *The antenna array stand-off shall not exceed 24" maximum from the pole.*
6. *The antenna array for each sector shall not when exceed an overall width of 9'.*
7. *The antennas shall not exceed 2' wide x 9" deep x 8' tall and 1'4" wide x 10" deep x 6'6" tall with two of each size per sector.*
8. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
9. *The 18' x 32' lease area containing the equipment shelter and generator shall be screened by a 9' tall masonry wall with solid metal gate.*
10. *A minimum of eleven (11), five-gallon (5) size shrubs shall be planted within this landscape planter surrounding the enclosure.*
11. *Provide and maintain two natural living Phoenix Canariensis (minimum 35' high) - Date Palms within the landscape planter surrounding the equipment enclosure (within 20' of the enclosure) to help camouflage the proposed wireless communication facility.*
12. *The operator of the monopalm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
13. *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.*
14. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.1.*
15. *No later than 90 days from the date the use is discontinued or 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 his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
16. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

**Board of Adjustment Meeting
March 11, 2014**

Vote: Passed (5-0) (Absent – Boardmembers Cluff and Swanson)

FINDINGS

1. The requested Special Use Permit (SUP) allows the placement of 55-foot high monopalm adjacent to the south property line of the existing restaurant development. The mono-palm and associated ground-mounted equipment including emergency generator will be located within an 18' x 32' screened area. The applicant will surround the shelter and generator with an 8' tall CMU wall, however the height of the equipment is 9'1". Due to the proximity of the enclosure to Stapley Drive, staff has stipulated that the wall around the equipment will be raised to 9' high to provide adequate screening of that equipment.
2. The wireless communication facility addresses "both capacity deficiencies and a gap in coverage." Approval of a SUP for this monopalm required finding that the wireless communication facility is compatible with and not detrimental to surrounding properties and is consistent with the General Plan and other recognized plans and policies approved by the City Council. 3.
3. Wireless communication facilities that exceed the maximum height permitted, are an allowed use in the LI Zoning District subject to granting of a Special Use Permit. In addition, the Zoning Ordinance includes location, design, and operation requirements.

**Board of Adjustment Meeting
March 11, 2014**

Case No.: BA14-011

Location: 1429 E. Flossmoor Avenue

Subject: Requesting a Requesting a variance to allow the encroachment into the required sideyard of an existing home in the RS-6 zoning district. (PLN2014-00043)

Decision: Continuance to the April 8, 2014 hearing

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

Motion: It was moved by Boardmember Allen seconded by Boardmember Hitchens to continue case BA14-011 to the April 8, 2014 meeting.

Vote: Passed (5-0) (Absent – Boardmembers Cluff and Swanson)

**Board of Adjustment Meeting
March 11, 2014**

Case No.: BA14-012

Location: 1918 E. McKellips Road

Subject: Requesting a Special Use Permit to allow an animal kennel in the LC zoning district. (PLN2014-00045)

Decision: Approval with conditions

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

Motion: It was moved by Boardmember Allen seconded by Boardmember Hitchens to approve case BA14-012 with the following conditions:

1. *Compliance with the site plan exhibit and narrative submitted.*
2. *A 7 foot masonry wall shall be provided around the outdoor play area.*
3. *After 7 p.m. the maximum number of dogs in the outdoor play area shall not exceed two.*
4. *Provide evidence of sound attenuation of the indoor kennel area at the time of submitting for building permits.*
5. *Compliance with all requirements of the Development Services Division in the issuance of any necessary building permits.*
6. *Compliance with the Title 6-12-2 of the Mesa City Code which addresses the noise ordinance.*

Vote: Passed (5-0) (Absent – Boardmembers Cluff and Swanson)

Findings

1. The applicant will modify an existing building in a group commercial center to accommodate a pet salon business that will kennel cats and dogs.
2. The location of the business is a free-standing building in a fairly isolated corner with no attached suites. The use of the outdoor play area is over 40 feet away and surrounded by a 6 foot high masonry wall that further isolates the outdoor play area from any residentially zoned property. Therefore, the use will not be detrimental to any surrounding properties.
3. The applicant has noted the following as justification for the granting of the Special Use Permit: 1) the building is constructed of masonry block; 2) the walls are tall enough to keep the animals safe; 3) the property to the west is a nursery and the homes to the north are setback substantially from the property 4) the animals will be indoors by 7 p.m. and 5) there is a landscape buffer and a driveway between the dog run and the residential wall to the north.

**Board of Adjustment Meeting
March 11, 2014**

Case No.: BA14-013

Location: 1614 N. Mesa Drive

Subject: Requesting a Development Incentive Permit (DIP) and Special Use Permit (SUP) for an Assisted Living Facility in the Office Commercial (OC) zoning district. (PLN2014-00056)

Decision: Continuance to the April 8, 2014 hearing

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

Motion: It was moved by Boardmember Allen seconded by Boardmember Hitchens to continue case BA14-011 to the April 8, 2014 meeting.

Vote: Passed (5-0) (Absent – Boardmembers Cluff and Swanson)

**Board of Adjustment Meeting
March 11, 2014**

- Case No.:** BA14-014
- Location:** 146 W. Baseline Road
- Subject:** Requesting a Special Use Permit to modify a Comprehensive Sign Plan (CSP) in the LI-CUP zoning district. (PLN2014-00073)
- Decision:** Approval with conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis
- Motion:** It was moved by Boardmember Allen seconded by Boardmember Hitchens to approve case BA14-012 with the following conditions:
1. *Compliance with sign plan submitted, except as modified by these conditions.*
 2. *Compliance with all requirements of Development Services in the issuance of sign permits.*
- Vote:** Passed (5-0) (Absent – Boardmembers Cluff and Swanson)

FINDINGS

1. The applicant has proposed only a modest increase to detached signage along Baseline Rd. The proposed amount is still significantly less than allowed by the Sign Ordinance.
2. The existing CSP standards for detached signage along Country Club are not revised by this request and are significantly less than allowed by the Sign Ordinance.
3. The existing CSP standards for attached signage on the Walmart Supercenter are not revised by this request and are significantly more than allowed by the Sign Ordinance.
4. The CSP uses unmodified Sign Ordinance standards for the attached signage on Parcels B, C, D, E and Lease Lot Phase VI (the subject parcel).
5. The proposed modification to the CSP will meet the intent of the originally approved CSP. The proposed signage amounts will be compatible with the existing development as well as surrounding properties, and will not be detrimental to adjacent development.

**Board of Adjustment Meeting
March 11, 2014**

Case No.: BA14-015

Location: 1550 W. Southern Avenue

Subject: Requesting a Substantial Conformance Improvement permit to allow the development of an existing commercial site in the LC zoning district. (PLN2014-00069)

Decision: Approval with conditions

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

Motion: It was moved by Boardmember Allen seconded by Boardmember Hitchens to approve case BA14-015 with the following conditions:

1. *Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions.*
2. *Provide a screen wall adjacent to Southern Avenue and Longmore Street frontages to screen the parking fields to comply with Sec. 11-30-9-H.*
3. *Provide covered parking as per 11-32-3-D.*
4. *Provide two pedestrian connections from building 'C' to Longmore Street.*
5. *Each parking lot landscape island shall include one tree and three shrubs as per Sec. 11-33-4.*
6. *Landscape diamonds within the parking field shall be at least 25 square feet each as per Sec. 11-33-4*
7. *Provide parking lot landscape planters (medians) within parking field to comply with Figure 11-33-4.B.7 of the Zoning Ordinance.*
8. *Provide 1 tree and 6 shrubs per 25 linear feet of street frontage adjacent to Southern Avenue and Longmore Street frontages.*
9. *Increase width of the pedestrian connection to Southern Avenue to allow a 4-foot minimum width sidewalk and sufficient width to allow trees, shrubs and groundcovers to shade the sidewalk.*
10. *Add compact parking spaces as per Sec. 11-32-2-D to allow landscape planters to be provided within the parking field per Conditions 4, 6 and 8.*
11. *Provide bike racks and street furniture at each building from the Fiesta District Design Handbook.*
12. *Provide an employee break area at each building.*
13. *Signage shall be designed to help implement the Fiesta District brand.*
14. *Parking lot light poles shall not be located within landscape islands.*
15. *Provide a 5' wide foundation base along the north elevation of Building "A" to comply with Sec. 11-33-5.*
16. *Exterior building elevations, parking canopies, screen walls, light poles/fixtures, signage and landscape plan and palette require Administrative Design Review approval.*
17. *Compliance with all requirements of Development Services in the issuance of building permits.*

Vote: Passed (5-0) (Absent – Boardmembers Cluff and Swanson)

FINDINGS

1. The proposed improvements and occupancy change invoke conformance with current development standards.
2. At the time of initial development in 1988, the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
3. The site was developed with some street frontage landscape that has died and has not been replaced within the existing perimeter landscape yards and will need to be replaced as a condition of approval of the SCIP.

**Board of Adjustment Meeting
March 11, 2014**

4. Requiring increased landscape yards around the perimeter of the site would require significant alteration of the site resulting in a loss of needed parking spaces.
5. Requiring compliance with current code would be inconsistent with the degree of change requested and would make the proposal unfeasible for the property owner.
6. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
7. The proposed use will not be detrimental to surrounding properties.

OTHER BUSINESS:

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator