

Zoning Administrator Hearing

Minutes



John S. Gendron
Hearing Officer

December 1, 2009 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Angelica Guevara
Mia Lozano-Helland
Wahid Alam
Lesley Davis

Others Present

Mimi Thornton
Rulon Anderson
TC Blatter
Tim Nielsen
Jennifer Patterson
Geri Patchett

CASES:

Case No.: ZA09-056

Location: 4132 East Adobe Street

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the AG zoning district. (PLN2009-00373)

Decision: Approved with the following conditions:

1. *Compliance with the site plan dated September 11, 2009 submitted for AZ-PHX519A, ENTZ ELEMENTARY SCHOOL at 4132 East Adobe Street, except as modified by the conditions below.*
2. *The monopalm shall have a maximum height of seventy (70') feet to the top of the fronds.*
3. *The antennas shall not exceed 4'-2" in length, 1'-1" in width, and 4" in depth.*
4. *The antennas shall not extend beyond the fronds.*
5. *The antennas shall be painted to match the color of the fronds.*
6. *The antenna standoff T-arm shall not be more than 8" from the pole.*
7. *The 8' high CMU screen wall and the steel gate shall match in color with the existing school buildings.*
8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

City of Mesa
Zoning Administrator Minutes
December 1, 2009

Summary:

Rulon Anderson represented the case and noted that there were citizens present who had some issues with the project. He explained the request and Clearwire's agreement with representatives of Entz Elementary school where the communication tower would be located. Mr. Anderson noted that his client would be willing to continue the case until such time that a public outreach meeting with the surrounding property owners can be conducted. Mr. Gendron asked about the specific dimensions from the tower to the residential properties. Mr. Anderson provided the information and gave a summary of Clearwire's intentions. Mr. Gendron asked the case planner, Wahid Alam, if the setbacks proposed meet the guidelines set forth. Mr. Alam answered that the setbacks meet and exceed the recommended setbacks. Several neighbors were present and spoke.

Jenny Patterson, who lives north of Entz School, voiced opposition due to safety issues for their children and the aesthetics which could reduce her property values. She stated that a petition had been started and signatures had been obtained from other property owners who were also opposed. She also stated that while canvassing the neighborhood she was surprised that many of the residents were not aware of the proposal.

Mimi Thorton, another property owner, voiced concern about the location and proximity of the tower as well as the aesthetics.

Geri Patchett, another resident, also had the same concerns regarding the proposal.

Mr. Gendron summarized the concerns and continued the case until the December 29, 2009 hearing to allow the applicant to perform public outreach and hold a meeting to address the residents' concerns.

Finding of Fact:

- 1.1** The Special Use Permit (SUP) will allow for the placement of a 65-foot high monopalm in an existing school campus located at 4132 East Adobe Street in the AG zoning district.
- 1.2** The applicant notified all property owners within 300-feet of the request and no comments or concerns were received.
- 1.3** The monopalm is 65-feet high. The array consists of three sectors, with three antennas, three radio heads, and three microwave dishes (2'-2" diameter). The antennas are 4'-2" in length, 1'-1" in width, and 4" in depth.
- 1.4** An equipment cabinet will be screened by a 8' high CMU wall around a 10' x 12' lease area with a 6' wide steel access gate.
- 1.5** The monopalm is surrounded by R1-15 zoning district to the north with a setback of 135 feet, R1-15 zoning district to the east with a setback of 483 feet and R1-15 to the south with a setback of 479 feet, and R1-15 to the west with a setback of 174 feet.

City of Mesa
Zoning Administrator Minutes
December 1, 2009

- 1.6** The monopalm is located within an existing Elementary School campus zoned AG, as a result, the monopalm will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.
- 1.7** The monopalm complies with the City of Mesa commercial Communications towers Guidelines.

City of Mesa
Zoning Administrator Minutes
December 1, 2009

Case No.: ZA09-057

Location: 2050 West Guadalupe Road

Subject: Requesting a Special Use Permit to allow a commercial communication tower to be placed in the C-2 zoning district. (PLN2009-00388)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted for AZ-PHX0533D, McHENRY MONOPALM at 2050 West Guadalupe Road, except as modified by the conditions below.*
2. *The monopalm shall have a maximum height of seventy-feet (70') to the top of the palm fronds.*
3. *The antennas shall not exceed 4'-2" in length, 1'-1" in width, and 4" in depth.*
4. *The antennas shall not extend beyond the fronds.*
5. *The antennas shall be painted to match the color of the fronds.*
6. *The antenna standoff T-arm shall not be more than 8" from the pole.*
7. *The 6' high CMU screen wall and the steel gate shall match in color.*
8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Rulon Anderson represented the case and stated that he was in agreement with the staff report and the conditions of approval. Mr. Gendron heard the staff report and recommendations by Wahid Alam and approved the special use permit.

Finding of Fact:

- 1.1 The Special Use Permit (SUP) will allow for the placement of a 70-foot high monopalm in an existing commercial development located at 2050 West Guadalupe Road in the C-2 zoning district.
- 1.2 The applicant notified all property owners within 300-feet of the request and no comments or concerns were received.
- 1.3 The monopalm is 70-feet high. The array of the monopalm consists of three sectors, with three antennas, three radio heads, and three microwave dishes (2'-2" diameter). The antennas are 4'-2" in length, 1'- 1" in width, and 4" in depth.
- 1.4 An equipment cabinet is screened by a 6' high CMU wall around a 8' x 10' lease area with a 4' wide steel access gate
- 1.5 The monopalm is surrounded by R-2 zoning district to the north with a setback of 150 feet, C-2 zoning district to the east with a setback of 425 feet and C-2 to the south setback of 12 feet, and C-2 to the west with a setback of 6 feet.
- 1.6 The monopalm is located within an existing commercial development zoned C-2, as a result, the

City of Mesa
Zoning Administrator Minutes
December 1, 2009

monopalm would be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

- 1.7** The monopalm complies with the City of Mesa Commercial Communications Towers Guidelines.

City of Mesa
Zoning Administrator Minutes
December 1, 2009

Case No.: ZA09-058

Location: 1265 South Pima

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to facilitate the reuse of a wholesale facility for plumbing and HVAC equipment in the C-3 zoning district. (PLN2009-00403)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
3. *The installation of 10 shrubs along south Pima.*

Summary: Tim Nielsen represented the case and stated that he was in agreement with the staff report and the conditions of approval. Mr. Gendron asked about the history of the site and the previous zoning case. Case planner Lesley Davis summarized the research conducted and verified that the site was zoned both C-2 and C-3 in 1975. Ms. Davis explained the SCIP requests and recommended approval with conditions. Mr. Gendron approved the request for a Substantial Conformance Improvement Permit based on the staff report and conditions of approval.

Finding of Fact:

- 1.1 The site is located just south of Southern Avenue on the East side of Pima, which is located just east of Center Street. The overall site that Farnsworth Wholesale will occupy is an 'L' shaped piece with frontage on both Pima and Southern Avenue with their entrance on Pima.
- 1.2 The site was re-zoned from R1-6 to C-2 and C-3 in 1975 for the development of the existing lumber supply company. The residential development to the south existed at that time. Due to concerns from those neighbors, the south 150-feet of the property was zoned C-2 (±2.13 ac.) to help buffer the neighborhood. The applicant recently rezoned the southern portion of the overall site from C-2 to C-3 to bring the existing use into conformance with the current Zoning Ordinance. (*case Z09-19, approved by City Council on November 16, 2009*) The only change is the type of material sold from the site. Otherwise, the site will essentially function as it has for the last 30+ years.
- 1.3 The approved re-zoning requires that the applicant request a SCIP to legitimize the existing conditions of the site and to make landscape improvements where possible.
- 1.4 The existing building was completed in the mid 1970's and was constructed with a 0-foot setback along the south side of the building with a 65-foot setback along Pasadena for the building, a 13-foot landscape area along South Pima and a 10-foot landscape area along East Southern Avenue.
- 1.5 The site plan indicates a number of deviations to building and/or landscape setbacks by current standards. It is important to note that because the proposed setbacks exist, compliance with

City of Mesa
Zoning Administrator Minutes
December 1, 2009

current Code requirements will result in significant alteration or demolition of the existing building. Consequently, the setbacks are commensurate with existing setbacks for the area.

- 1.6** The applicant included two additional landscape tree islands at the entrance off of South Pima Road. They also show enhanced landscaping along Southern Avenue. The existing building and property are well maintained. The landscape improvements will improve the quality of development on the site and will serve to improve the character of the surrounding properties in general.
- 1.7** Planning staff has not received any calls regarding this request.
- 1.8** The project is compatible with surrounding developments and the reduced setbacks are existing. The change in material stored and sold from this site will not adversely affect the neighborhood. Additionally, the upgraded landscaping along the two street frontages and new landscape parking lot islands represents substantial conformance with current Code development standards.

There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:07 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron
Hearing Officer

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