



**CITY OF
MESA**

Great People, Quality Service!

BOARD OF ADJUSTMENT MINUTES

June 10, 2003

Board members Present:

David Shuff, Chair
Jared Langkilde, Vice Chair
Webb Crockett
Clark Richter
Skip Nelson
Greg Hitchens

Board members Absent:

Roxanne Pierson (Excused)

Staff Present:

John Gendron
Gordon Sheffield
David Nicolella
Krissa Hargis

Others Present:

Rev. Emerito Gonzalez
Kim Shreaves
Beverly Salvage
Fred Woods
Brian Campbell
Rulon Anderson
Others

Before adjournment at 6:40 p.m., the following items were considered and recorded on Board of Adjustment Tape # 292.

Study Session 4:30 p.m.

- A. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:30 p.m.

- A. Consider Minutes from the May 13, 2003 Meeting:

It was moved by Board member Langkilde, and seconded by Board member Nelson, that the minutes of the May 13, 2003 Board of Adjustment meeting be approved.

- B. Vote: Passed, 6-0

- C. Case BA03-023 was removed from the consent agenda and the following stipulation was added to case BA03-027;
- The building height limitation was increased to 13 feet instead of 12 feet.

**Board of Adjustment Meeting
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Case No.: BA03-022

Location: 527 West Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of a church in the C-3 district.

Decision: Approved with conditions.

Summary: Reverend Gonzalez addressed the board stating that the church has a small congregation with limited resources. The purpose of the addition was to create accessibility for the handicap members of the congregation. A new site plan was submitted to the board that reflects the new landscaping proposal.

Motion: It was moved by Board member Richter, and seconded by Board member Hitchens that this case be approved with the following condition:
1. Compliance with the landscaping plan dated June 4th, 2003.

Vote: Passed 6-0

Finding of Fact:

- 1.1 The case site is located at 527 West Broadway Road, and is the site of Iglesia La Roca church. The property is zoned C-3, with approximately 90 foot of frontage along Broadway Road and 300 feet deep.
- 1.2 The current site is deficient with regard to front, side, and rear landscaping. A new site plan was submitted at the hearing showing additional proposed landscaping.
- 1.3 The new site plan shows three handicapped parking spaces in the northwest corner of the site.
- 1.4 The church submitted documentation from Basha's and Uncle Bob's Self-Storage (the adjacent businesses) giving the church permission to park on their property when they have services and activities.
- 1.5 The church site does not have truck access for refuse pick-up but Basha's documented that they will permit the church to access their trash receptacle through their property.
- 1.6 The increase in landscaping to the front and west side of the property reflects the greatest possible degree of compliance for the front and sides for each specific requirement.

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**Board of Adjustment Meeting
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Case No.: BA03-023

Location: 1107 North Ellsworth Road.

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan for a group commercial development in the C-2 district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually. Board member Crockett did ask for clarity to find out if Bashas was the applicant. If Bashas was the applicant then he would have to declare a conflict interest. Staff confirmed that the applicant is Guerrero-Lindsey Sign Company, Inc. and not Bashas.

Motion: It was moved by Board member Langkilde, and seconded by Board member Nelson that this case be approved with the following condition:

1. Compliance with the Comprehensive Sign Program for Highlands Village Shopping Center as submitted.

Vote: Passed 6-0

Finding of Fact:

FINDINGS:

- 1.1 The subject site was reviewed by the Planning & Zoning Board and City Council as a rezoning case. The Design Review Board has reviewed the site plan and elevations of the project. All three reviewing bodies have approved the project.
- 1.2 As submitted, the plan largely complies with all standard requirements of Section 11-19-6 of the Zoning Ordinance regarding size, number and height of signs in the C-2 zoning district. The exception is the aggregate sign area and number of signs on the anchor tenant building.
- 1.3 The proposed monument signs incorporate the colors of the buildings and architectural design of the proposed center

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Case No.: BA03-024

Location: 9233 East Guadalupe Road.

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan in a group commercial development in the C-2 district.

Decision: Continued for 30 days.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Langkilde, and seconded by Board member Nelson that this case be continued.

Vote: Passed 6-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
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Case No.: BA03-025

Location: 732 North 82nd Street

Subject: Requesting a Special Use Permit to allow a riding and boarding stables in the R1-43 zoning district.

Decision: Case Withdrawn

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Langkilde, and seconded by Board member Nelson that this case be withdrawn.

Vote: Passed 6-0

Finding of Fact: N/A

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- Case No.: BA03-026
- Location: 2858 South Hawes Road
- Subject: Requesting a Special Use Permit for an Automotive Service Station in the C-2 district.
- Decision: Approved with conditions.
- Summary: Ms. Kim Shreaves with Pew & Lake, P.L.C., addressed the Board stating that the proposed use of this site as a self-service gas station would be consistent with City Council policies and the intent of the zoning district. All development standards have been satisfied for setbacks, landscape areas and right of way requirements. Ms. Beverly Salvage, a resident of Sunland Village East, spoke stating that she opposed the 24-hour use of the filling station. Her primary concerns are the noises generated from cars pulling in and out, loud car stereos, and the potential increase of crime activity. Board member Hitchens stated that he has concerns because the facility is located across the street from a retirement community and the noise generated from this facility in the late evening hours will have a significant impact on the neighboring community. He also noted the facility wouldn't be manned, which could also contribute to the noise problem.
- Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved with the following conditions:
1. Compliance with the site plan and elevations submitted.
 2. Compliance with all requirements of the Design Review Board.
 3. Compliance with all requirements of the Building Safety Division;
 4. Compliance with all requirements of the Mesa Sign Regulations (Chapter 11-19 of the Mesa City Code) unless modified through the review and approval of a Special Use Permit for a Comprehensive Sign Plan; and
 5. The hours of operation for the gas dispensing facility are limited to between 5 a.m. and 10 p.m.
- Vote: Passed 4-1 (Langkilde voting nay and Crockett declaring a conflict of interest.)
- Finding of Fact:
- 1.1 The case site is a pad site that is part of the proposed Wal-Mart Neighborhood Market Commercial Center on the southwest corner of Guadalupe Rd. and Hawes Rd. The site was approved for C-2 zoning in 1996, which allows for the development of a gas dispensing facility with the approval of a Special Use Permit.
 - 1.2 The development of a gas dispensing facility is in conformance with the General Plan, it's an allowed use in the zoning district, and the site layout meets or exceeds all of the City Code and Design standards.

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- 1.3 The Special Use Permit is for a four-pump gas station with an unmanned kiosk. No convenience store is proposed for this site.
- 1.4 The gas dispensing facility may operate only between the hours of 5 a.m. to 10 p.m. because of the sites proximity to a retirement community.
- 1.5 The Board noted the project was to be built in an area that has been relatively quiet for several years. They approved the limited operating hours in response to concerns that a facility without an on-site attendant would not be able to control patrons who could play loud music very late at night or very early in the morning.
- 1.6 All development standards have been satisfied for setbacks, landscape areas and right of way requirements.
- 1.7 The Design Review Board will review the proposal after the Board of Adjustment.

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Case No.: BA03-027

Location: 512 South LeBaron

Subject: Requesting a variance to allow a detached accessory building to encroach in side and rear yards in the M-1 district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Langkilde, and seconded by Board member Nelson that this case be approved with the following condition:

1. The building is placed 10 feet from the south and 10 feet from the west property lines to match the originally setbacks approved in case Z95-24.
2. Installation of landscaping along the west and south property line to match the originally approved site plan Z95-24.
 - a. West property line consists of seven bottle trees and six petites.
 - b. South property line adjacent to proposed building to consist of two bottle trees and two petites.
3. The existing gravel yard that constitutes the drive aisle to be paved to improve dust control.
4. The building is limited to 13 feet in height.

Vote: Passed 6-0

Finding of Fact:

- 1.1 Because this case site is in an older part of town that was originally developed for residential use, the lot is significantly smaller than what is traditionally found in the M-1 district. The lot is approximately 0.5 acres.
- 1.2 The case site was re-zoned in 1995 (Z95-24) from R-2 to M-1. The approved site plan required a 10-foot landscaping buffer along all interior property lines.
- 1.3 Because of the new design standards that were adopted in June of 2002, placing the new building to allow the 10-foot landscaping buffer to remain requires approval of a variance to both the side and rear setback.
- 1.4 If strict compliance of the zoning ordinance were applied the new building would have to be placed in the existing gravel yard reducing the circulation lane to a width that was unsafe.

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Case No.: BA03-028

Location: 3634 North Val Vista Drive.

Subject: Requesting a Special Use Permit to allow a communication tower to exceed the maximum height allowed in the M-2 district.

Decision: Approved with conditions.

Summary: Mr. Rulon Anderson, with T-Mobile, addressed the board stating that for technical reasons this site is superior to staffs' recommendation to co-locate on the Qwest monopole that is south of the 202 freeway. Mr. Anderson provided documentation from T-Mobile engineering staff describing the difficulties with co-location. Staff has recommended approval of the new 65' tower and he requested that the board also approve it. Mr. Brain Campbell, attorney and part owner to Tyler farm boarding stables, spoke in opposition to the request. He stated that the boarding stable is adjacent to the site and that as many as 200 customers visit the stables on a regular basis. The proposed tower would significantly impact the entrance to the boarding stable. In addition, the monopole would have a negative impact on the proposed park to the north of this site. Board member Nelson asked Mr. Anderson if T-Mobile was willing to construct a tower designed to resemble a palm tree at the site. Mr. Anderson agreed. Then Mr. Campbell was asked if he would be agreeable to a tower designed to resemble a palm tree? He was in agreement.

Motion: It was moved by Board member Crockett, and seconded by Board member Nelson that this case be approved with the following condition:

1. Compliance with the site plan, elevations and narrative submitted, except as noted by the condition below: (PH30369B, dated 5/02/03)
2. Installation of a communications monopole designed to resemble a fan palm tree.
3. Construction of 8' masonry screen wall around the ground mounted equipment (per applicants request). Staff requested a 6' masonry screen wall.
4. Compliance with all requirements of the Building Safety Division.

And the Board would forward a recommendation to ADOT and the City of Mesa transportation division that landscape plans in the vicinity of the case site should include fan palms in the design.
(especially *Washingtona filifera*)

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Vote: Passed 6-0

Finding of Fact:

- 1.1 The case site is a M-2 zoned parcel located on ADOT property located west of Val Vista Drive and north of the 202. The applicant is requesting to place a 65' high communications monopole on the site.
- 1.2 Once constructed, it would have the potential to be used by up to two carriers.
- 1.3 Because of the proximity to Tyler Farms boarding stables and the planned new park in the area the communications monopole must be designed to resemble a fan palm tree.
- 1.4 The tower as designed meets the basic intent of the Commercial Communications Tower Guidelines.

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Respectfully submitted,

Gordon Sheffield, AICP
Senior Planner

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Minutes written by David J. Nicolella, Planner I