

Minutes

**City Council Chambers, Lower Level
August 14th, 2012**

Board Members Present:

Nicholas Labadie, Chair
Danette Harris, Vice-Chair
Tyler Stradling
Greg Hitchens
Cameron Jones
Chanel Fitch-Kirkpatrick

Board Members Absent:

None

Staff Present:

Gordon Sheffield
Angelica Guevara
Jeff McVay
Kaelee Wilson
Jason Sanks
Wahid Alam

Others Present:

Steve Langstaff
Cozetta Blake
Mark Hunt

The study session began at 4:37 p.m. The Public Hearing meeting began at 5:30p.m. Before adjournment at 6:23 p.m., the following items were considered and recorded.

Study Session began at 4:37 p.m.

Vice Chair Labadie noted that former chair McCray had moved from Mesa, and by rule, was required to resign. On behalf of the board, he recognized Mr. McCray's leadership and service to the Board of Adjustment and wished him well with future endeavors.

- A. The items scheduled for the Board's Public Hearing were discussed.
- B. Zoning Administrator's Report:
 - 1. Mr. Sheffield reminded the board about the Sign Ordinance update.

Study Session was adjourned at 5:07 p.m.

Public Hearing began at 5:30 p.m.

- A. Consider Minutes from the June 12th, 2012 Meeting a motion was made to approve the minutes by Board member Jones and seconded by Board member Harris. Vote: Passed 6-0

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B. Elect New Chair and Vice-Chair

- i. Board member Stradling nominated Board member Labadie for Board Chair with a second by Board member Jones. Vote: 6-0.
- ii. Board member Stradling nominated Board member Harris for Vice-Chair with a second by Board member Labadie. Vote: 6-0.

C. Consent Agenda a motion to approve the consent agenda as read was made by Board member Stradling and seconded by Board member Jones. Vote: Passed 6-0

Case No.: BA12-027

Location: 2401 South Lansing

Subject: 2401 South Lansing (District 6) – Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height permitted in the RS-7-PAD zoning district. (PLN2012-00243)

Decision: Approved with conditions.

Summary: Gordon Tibbets represented the applicant and presented the case to the board. The request was for a wireless communication mono pine to exceed the height limitations allowed in the RS-7 PAD zoning district. The mono-pine would be placed on the golf course at Augusta Ranch.

Chair Labadie asked the applicant if he had any issues with the conditions listed in the staff report. The applicant replied that his company wants to screen the cellular tower correctly and are fine with conditions set forth by staff.

Citizen Mark Hunt asked the board why a height limitation was set for this community. Gordon Sheffield replied that the height restriction was set for single family residences with the option for a Special Use Permit (SUP) for structures that would exceed the height limitation. Mark Hunt and Janice Haywood were residents of the community and voiced their concerns. Their concerns consisted of:

1. Examples of other mono-pines the applicant submitted in the mailer do not look realistic.
2. The applicant should choose an alternate location.
3. The additional cell tower would reduce their property values.
4. The residents of Augusta Ranch won't benefit from this cell tower being placed in their community.

The applicant specified that having a cell tower at this location would fill the coverage gap Sprint customers living in August Ranch experience.

Conversation ensued between board members and the applicant about the possibility of a colocation with the existing cellular tower.

Staff member Jeff McVay suggested adding a condition stating staff will have final approval of the design. Condition eighteen was added and states, "*Such final design shall*

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be approved by Planning Division staff during building permit review”.

Board member Labadie stated the applicant has gone above and beyond what is necessary to make this cellular tower aesthetically pleasing.

Motion:

It was moved by Board member Stradling seconded by Board member Jones to approve with case BA12-027 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions below.*
2. *The commercial communication towers shall utilize a mono-pine design with a maximum pole height of seventy feet (70’).*
3. *The faux pine branches shall start at fifteen feet (15’) from ground level and will be installed at a branch density of three-and-one-half (3.5) branches per foot.*
4. *Faux pine branch density shall not be reduced in proximity to antenna arrays and branches shall extend past antennas a minimum of twelve inches (12”).*
5. *The mono-pine shall be designed with faux pine branches that have a natural taper, i.e., wider at the base and narrower at the top.*
6. *The pole of the mono-pine shall be covered in an artificial two-tone bark from six feet (6’) above ground to a height of twenty-five feet (25’) and painted to match the artificial two-tone bark above twenty-five feet (25’).*
7. *The antenna arrays stand-off shall not exceed twenty inches (20”) from the pole.*
8. *The antenna array for each sector shall not exceed an overall width of eight feet (8’).*
9. *The mono-pine faux pine needles shall be colored to match the pine needles of the live pine trees adjacent to the site.*
10. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux pine needles and wrapped with faux pine needle socks.*
11. *The wood gates on the eight-foot (8’) CMU screen wall shall be replaced with solid metal gates painted to match the color of the screen wall.*
12. *The operator of the mono-pine 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 section 11-35-5-l.*
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. *Future co-location of additional carriers shall require individual zoning approval.*
17. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
18. *Such final design shall be approved by Planning Division staff during building permit review.*

Vote: Passed 6-0

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FINDINGS

- 1.1** The mono-pine wireless communication facility is an allowed use in the RS-7-PAD Zoning District subject to the granting of a Special Use Permit (SUP).
- 1.2** The development of a new 70-foot tall wireless communication facility is appropriate at this location as existing vertical structures of sufficient height to accomplish coverage goals were not available and no commercial/industrial zoned properties are within close enough proximity, or that could provide as great a separation from residential properties, to accomplish coverage goals. Further, an existing monopole wireless communication facility nearby also did not meet the needs of the carrier and was not the preferred visual solution for the underlying landowner.
- 1.3** The 70-foot mono-pine design is an appropriate method to blend a wireless communication facility into this golf course environment. Antennas architecturally integrated into a building or building mounted are not appropriate as existing buildings do not provide the architectural elements or design necessary to conceal antennas. Further, an alternative tower design, such as clocktower or monopole, would not be compatible with the surrounding golf course environment. Concerns with the ability of a mono-pine design to sufficiently camouflage the antennas were addressed through conditions of approval.
- 1.4** The wireless communication facility exceeds the minimum required setbacks of the base Zoning District and the setback requirements for stealth tower designs. The mono-pine would be located greater than 300 feet from the nearest residential use and greater than 800 feet from the nearest adjacent street. All ground-mounted equipment will be enclosed and screened by an eight-foot high CMU wall finished to match existing golf course walls.
- 1.5** Existing vegetation around and within the golf course effectively screens views of the base of support structures and equipment facilities from adjacent residential properties, public right-of-way, path, or trail. To additionally mitigate the visual impact of the mono-pine, the site plan identifies the planting of four, 36-inch box size Mondell Pines with a minimum height of 18 feet in the vicinity of the mono-pine.
- 1.6** The mono-pine design to camouflage antennas and wiring and has been proposed in a location consistent with such camouflaging. The conditions of approval will help ensure the mono-pine design is an effective solution to camouflage and reduce the visual impact of the wireless communication facility.
- 1.7** The approved wireless communication facility was the subject of a neighborhood meeting, at which no opposition to the proposal was present. To date, only one letter of opposition has been received. This letter stated concern with visual detracting from golf course views rather than the land use.
- 1.8** The distance from adjacent residential uses, the context of the site, use of a stealth design, and general lack of opposition to the use are evidence that the mono-pine wireless communication facility would be compatible with and not detrimental to surrounding properties.

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- Case No.:** BA12-028
- Location:** 4104 East Broadway Road
- Subject:** 4104 East Broadway Road (District 2) – Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing multi-residence development in the RM-4 zoning district. (PLN2012-00038)
- Decision:** Approved with conditions.
- Summary:** This item was on the consent agenda and was not discussed on an individual basis. The request was for a Substantial Conformance Improvement Permit (SCIP) for an existing apartment complex.
- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve with case BA12-028 with the following conditions:
1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below.*
 2. *Refurbish the existing landscape so that it is in conformance with the conditions of development approved as part of the original building permit for the site prior to the final inspection of the new rental unit.*
 3. *Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit.*
 4. *Approval of rezoning request Z12-024 by City Council and compliance with all requirements of such approval.*
 5. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
- Vote:** Passed 6-0

FINDINGS

- 1.1** The applicant was approved for the conversion of an existing vacant facility support building into one, two-bedroom rental unit within the existing Argenta Apartments. The apartment complex was developed in 1984, with setbacks, parking ratios, building separations, and parking lot landscape requirements not as large as those required by current Code. The addition of one unit consistent with the existing pattern of development requires deviations from current Code.
- 1.2** The applicant was approved for deviations from current Code requirements related to setbacks adjacent to the north and east property line, reduced parking ratio, reduced building separation, and reduced parking lot landscape island ratio. Such reductions would allow the addition of one unit without requiring significant alteration of the site or demolition of existing buildings.
- 1.3** The applicant has provided sufficient evidence that compliance with current Code requirements would not be possible without significant alteration of the site, resulting in the demolition of existing buildings and/or a significant reduction in on-site parking. To provide substantial conformance with current Code development standards, the applicant will refurbish existing landscaping throughout the site and provide additional landscape adjacent to Broadway Road and 40th Street.

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- 1.4** The approved site and landscape plans, including staff recommended conditions for approval, substantially conform with the intent of the Code and provide a development that is consistent with and not detrimental to adjacent properties.

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Case No.: BA12-029

Location: 1455 West 7th Place

Subject: 1455 West 7th Place (District 3) – Requesting a Variance to allow a detached structure to encroach into the required side yard in the RS-6 zoning district. (PLN2012-00234

Decision: Continued to the September 11th, 2012 hearing.

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

Motion: It was moved by Board member Stradling seconded by Board member Jones to continue case BA12-029 to the September 11th, 2012 hearing.

Vote: Passed 6-0

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- Case No.:** BA12-030
- Location:** 538 North Center Street
- Subject:** 538 North Center Street (District 1) – Requesting a Variance to allow a residential structure to encroach into the required front yard in the RM-2 zoning district. (PLN2012-00257)
- Decision:** Approved with conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis. The request for a variance to reduce the front setback for the rebuild of a partially demolished home.
- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-030 with the following conditions:
1. *Compliance with the site plan and exhibits submitted.*
 2. *The applicant has six (6) months in which to apply for building permits to redevelop the site and incorporate the original remaining walls into that construction.*
 3. *Compliance with all other zoning development standards for construction of a residential use in the RM-2 district.*
 4. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*
- Vote:** Passed 6-0

FINDINGS

- 1.1 There are special circumstances applicable to the property, including its small lot size and original 1948 construction date.
- 1.2 The special circumstances of the property are pre-existing, and were not created by the property owner or appellant; and
- 1.3 The strict application of the Zoning [Ordinance](#) will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
- 1.4 The variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

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Case No.: BA12-031

Location: 1445 West Southern Ave

Subject: 1445 West Southern Avenue (District 3) – Requesting a Special Use Permit to allow a special event to exceed four days in the LC zoning district. (PLN2012-00277)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis. The request was for the haunted house event that spans the month of October at Fiesta Mall.

Motion: It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-031 with the following conditions:

1. *Compliance with the site plan and operation plan submitted.*
2. *Signage visible from outside the boundaries of the site shall not be displayed prior to nor after the dates of the special event, as specified in the Special Event license.*
3. *The Special Use Permit shall include thirty-five (35) days for event set-up and fourteen (14) days for event tear-down.*
4. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*

Vote: Passed 6-0

FINDINGS

- 1.1 The approved project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
- 1.2 The location, size, design, and operating characteristics of the approved project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
- 1.3 The approved project will not be injurious or detrimental to the adjacent or surrounding properties in the Fiesta Mall area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
- 1.4 Adequate public services, public facilities and public infrastructure are available to serve the approved project.

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Case No.: BA12-032

Location: 0 to 30 block of North MacDonald (both sides)

Subject: 0 to 30 block of North MacDonald (both sides) (Council District 4) – Requesting a Special Use Permit to allow a Farmer’s Market in the DC-DE zoning district. (PLN2012-00339)

Decision: Withdrawn

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

Motion: It was moved by Board member Stradling seconded by Board member Jones to remove case BA12-032 with the following conditions:

Vote: Passed 6-0

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- Case No.:** BA12-033
- Location:** 100 to 200 block East University Drive (north side) and 400 block of North Hibbert (both sides)
- Subject:** 100 to 200 block East University Drive (north side) and 400 block of North Hibbert (both sides) (District 1) – Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of a multi-residence project in the RM-4 zoning district. (PLN2012-00303)
- Decision:** Approved with conditions
- Summary:** This case was on the consent agenda and not discussed on an individual basis. This case involved a SCIP to allow the encroachment into the side yard at Verde Vista at Escobedo.
- Motion:** It was moved by Board member Stradling seconded by Board member Jones to approve case BA12-033 with the following conditions:
1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below.*
 2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
- Vote:** Passed 6-0

FINDINGS

- 1.1** The applicant was approved to build the Escobedo apartment complex on this existing site and reusing some of the existing buildings and preserving the historic cultural landscape of the site. In order to preserve the value of the site and provide privacy to future residents of the apartment complex requires deviations from current Code.
- 1.2** The applicant was approved for deviations from current Code requirements related to setbacks adjacent to the east property line only. Such reductions would allow the fire lane to encroach into the required setback without sacrificing large caliper trees, which are part of historic cultural landscape and also provide added privacy for the residents of building #6.
- 1.3** The applicant has provided sufficient evidence that compliance with current Code requirements would not be possible without significant alteration of the site, resulting in the demolition of existing historic cultural landscape and/or an elimination of landscape buffer resulting in loss of privacy of a building. To provide substantial conformance with current Code development standards, the applicant will protect large caliper trees of existing landscaping and provide sufficient landscape buffer for privacy of the residents.
- 1.4** The approved site and landscape plans, including staff recommended conditions for approval, substantially conform with the intent of the Code and provide a development that is consistent with and not detrimental to adjacent properties.

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1. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Kaelee Wilson, Planning Assistant

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