



Zoning Administrator Hearing

Minutes

Mizner Conference Room
Mesa City Plaza Building, Suite 130
20 East Main Street
Mesa, Arizona, 85201

John S. Gendron
Hearing Officer

DATE June 12, 2007 **TIME** 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Lena Butterfield
Katrina Rogers
Patrick Murphy

Others Present

Jeremy Baxter
Michael Seabrock
Randy Pridgon
Grant Olds

CASES

Case No.: ZA07-044TC

Location: 33 West Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of a bank as part of a group commercial center in the C-2 zoning district.

Decision: Approved with the following conditions.

1. *Compliance with the basic development as described in the project narrative and in compliance with Design Review Case No. DR07-03TC as conditionally approved by the Downtown Development Committee.*
2. *Compliance with all City Development codes and regulations.*
3. *Outdoor storage, occurring on the southern portion of the site as depicted on the site plan dated May 1, 2007, shall only consist of construction trailers for Brown Family Communities. All other materials related to Brown Family Communities shall be stored within the enclosed warehouse building.*
4. *Outdoor boat sales shall occur only in the area designated on the site plan dated May 1, 2007.*
5. *Outdoor storage shall be screened by an eight-foot (8') block wall.*
6. *All boat service and repair shall be conducted within an enclosed building.*
7. *Obtain approval of an Encroachment Permit from the City of Mesa Engineer for the existing wrought iron gate located within the City of Mesa right-of-way.*

Summary: Mr. Gendron confirmed that the applicants had received a copy of the DDC minutes and were aware of the conditions of approval. Mr. Gendron confirmed that the nonconforming pole sign was not a part of this request. Ms. Rogers stated the applicants would be required to bring the sign into conformance if they applied for

City of Mesa
Zoning Administrator Minutes
June 12, 2007

any additional signage. Mr. Baxter and Mr. Seabook confirmed they intended to use the sign as is. Mr. Gendron confirmed that staff was not recommending the sign be brought into conformance.

Mr. McVay explained the Code requirements as they relate to nonconforming signs. Mr. Gendron discussed the historical and proposed use of the site. Ms. Rogers explained the need for a SUP.

Finding of Fact:

- 1.1** The proposed use improves the aesthetics of an existing site, it generates activity to a formerly inactive site, and is compatible to the neighborhood and surrounding properties.
- 1.2** The property is developed, nonconforming site, located next to the Southern Pacific Railroad. An abandoned railroad spur and loading ramp is still located on the site. It was annexed by the City of Mesa in July 1930 and contains numerous nonconforming qualities because of its age and existing infrastructure.
- 1.3** The site contains three existing buildings, all of which are located within setback areas. Existing parking lot paving and fencing are located within setback areas and right-of-way. The existing railroad spur and railroad loading ramp create limitations upon the configuration of the site.
- 1.4** The adjacent properties along Broadway Road are nonconforming site and require variances in order to bring them into zoning compliance. Most of the properties do not meet setbacks and landscaping requirements.
- 1.5** This parcel of land contains many site constraints associated with the development. It is surrounded by many nonconforming properties to setbacks, landscaping, etc.

* * * * *

City of Mesa
Zoning Administrator Minutes
June 12, 2007

Case No.: ZA07-046

Location: 809 West Main Street

Subject: Requesting a variance to allow the construction of an approximately 11-foot diameter gazebo within the required setbacks from Main Street and Extension Road in the C-3 zoning district.

Decision: Approved with the following conditions.
1. Compliance with the site plan submitted.
2. The variance shall expire if not exercised, or if a building permit has not been issued within one (1) year of official action.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Summary: Mr. McVay explained to Mr. Gendron that the applicant was out of the country and that a family member was intended to represent to request at the public hearing. Not having a representative available, Mr. Gendron confirmed staff was comfortable proceeding. Mr. McVay, presented a staff report, noting that the expansion of the site isn't possible without demolition, the structure has received the approval of the Historic Preservation Officer. Mr. Gendron confirmed that wedding receptions won't happen in the gazebo and that there would be no signage. Mr. Gendron felt the request was reasonable and represented a very minor change to the site.

Finding of Fact:

- 1.1** The two lots were in the existing non-conforming configuration at the time of purchase by the applicant and therefore was a pre-existing condition that would not be construed as self-imposed. A 25-foot wide lot is not wide enough to allow development of permitted use (single residence), and is not of normal configuration for the area. The width of the lot creates a special circumstance that does not exist elsewhere in the surrounding community.
- 1.2** Due to the width of the lot, strict compliance with current setback requirements would deprive the property owner of the right to develop a single-residence of reasonable size (1,233 s.f.).
- 1.3** The proposed site plan notes side setbacks of 5 feet and 11 feet and the project narrative notes setbacks of 5 feet and 10 feet. Staff recommends side setbacks of 5 feet and 10 feet be provided.
- 1.4** While the subject property is zoned R-2, existing development in the vicinity is primarily single-residences and more akin to R1-6 development. The proposed setbacks are consistent with R1-6 setback requirements.

* * * *

City of Mesa
Zoning Administrator Minutes
June 12, 2007

Case No.: ZA07-057

Location: 1130 South Ellsworth Road

Subject: Requesting a Special Use Permit to allow a Commercial Communication Tower exceed the maximum height allowed in the C-2 zoning district.

Decision: Approved with the following conditions.
1. Compliance with the site plans submitted.
2. The Special Use Permit shall expire if not exercised, or if a building permit has not been issued within one (1) year of official action.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Summary: Mr. Pridgon, applicant, stated he was aware of staff recommendation and did not have additional information to present. Mr. Gendron discussed the existing condition of the site. Mr. Hash provided a staff report noting the need for a SUP is a technical requirement of the Zoning Ordinance since the site was annexed for Maricopa County.

Finding of Fact:

- 1.1 The requested Special Use Permit (SUP) would allow the co-location of a three-sector wireless communication facility for the provision of wireless internet service. Each sector would have a 54-foot RAD center and consist of a 42" L x 6.1" W x 2.7" D antenna and a 2' diameter parabolic dish. Associated ground mounted equipment would be located in a 3' x 5' lease area at the base of the tower.
- 1.2 Based on current City of Mesa zoning regulations, such co-location would generally be allowed through an Administrative Review process. However, in this instance a SUP for the use of this site for commercial communication facilities has never been granted since the time of annexation in May of 2005. The requirement for this SUP is the result in an amendment to the Zoning Ordinance that occurred in 1997.
- 1.3 The tower may be considered part of the existing fabric of the neighborhood, that is, something accepted and barely noticed because of the length of time it has been in place. For this reason, the proposed co-location is compatible with the surrounding neighborhood. Additionally, the co-location of wireless communication facilities on existing vertical structures is consistent with the Wireless Communication Tower Guidelines.
- 1.4 Existing monopole is located within the proper setbacks currently required by the City of Mesa and ground mounted equipment will be properly screen from view. Applicant will have a stand off length of no more then 18 inches from the monopole.
- 1.5 To grant a SUP, it must be found that the proposed use would be compatible with and not detrimental to the surrounding neighborhood, as well as, consistent with the City's Wireless Communication Tower Guidelines adopted by the City Council in 1996.

* * * *

City of Mesa
Zoning Administrator Minutes
June 12, 2007

Case No.: ZA07-058

Location: 744 West Crescent Avenue

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing non-conforming industrial building for industrial use (Lone Star Racing) in the M-1 zoning district.

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.

Summary: Grant Olds, applicant, noted he no new information to add to the case file. He did state concern with the staff recommended condition to screen roof-mounted equipment. Mr. McVay provided an explanation of the recommended stipulation. Mr. Gendron clarified the proposed use of the building and the extent of the changes to the building. Mr. Olds noted the proposed changes will provide significant improvement to the look of the building and site. Mr. Gendron confirmed there will be no on-site sales. In response to Mr. Gendron, Mr. McVay noted the SCIP was necessary due to the enclosure of a loading bay into industrial space. Mr. McVay provided a staff report noting the proposed improvements are sufficient to justify the SCIP. Mr. Gendron agreed that conformance with current Code has substantially improved and approved the request as recommended in the staff report with the exception of condition requiring screening of the roof-mounted equipment.

Finding of Fact:

- 1.1** The applicant is requesting a Substantial Conformance Improvement Permit that will allow deviations from current development standards related to setbacks, foundation base, landscaping, and parking in order to allow the expansion of an existing vacant industrial building.
- 1.2** The applicant has proposed a number of deviations to building and/or landscape setbacks. It is important to note that the proposed setbacks along these property lines exist and compliance with current Code requirements would result in significant alteration or demolition of the existing building. Consequently, the proposed setbacks are commensurate with existing setbacks for the area.
- 1.3** As additional justification for the requested SCIP, the applicant is proposing; 1) improved landscaping along the street frontages, along the north property line, within the parking field and within the existing foundation base; 2) the provision of handicap parking and restriping the parking field to comply with current dimensional requirements; 3) the removal and/or replacement of existing roof-mounted equipment with smaller, less visible units; 4) the replacement of all razor wire and chain link fencing with new or repaired block wall; and 5) the repair and refinishing of the building exterior.
- 1.4** The proposal is compatible with surrounding development and the reduced setbacks are commensurate with those of existing developments and will not adversely impact surrounding properties. Additionally, the proposal represent substantial conformance with current Code development standards.

**City of Mesa
Zoning Administrator Minutes
June 12, 2007**

* * * *

There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:12 p.m.

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

Respectfully submitted,

John S. Gendron
Hearing Officer

jm
G:ZA/Minutes/2008/061207.doc