

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 April 10, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Lena Butterfield
Gordon Sheffield

Others Present

Steven Nevala
Jorge Gonzalez
Irwin Pasternack
Brent Kendle
Dave Baum

CASES

Case No.: ZA07-027

Location: 521 N Alma School Rd

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the establishment of a day care center in the R-3 zoning district.

Decision: Approved with conditions

Summary: Mr. Gonzalez, applicant, presented the requested SCIP and explained that the home is an older single residence that fronts onto Alma School Road. Additionally, he stated that the stacking distance will be adequate for dropping off and picking up children. Mr. Hash explained that the project meets the criteria for the granting of a SCIP and that the applicant is providing additional landscaping, and block wall, and the parking that exceeds Code requirements.

Mr. Gendron approved the case with the following conditions:

- 1. Compliance with the site plan submitted, except as modified by the conditions below.*
- 2. Provision of a four foot (4') wide landscape setback from the property line along Alma School Road to the block wall that is screening the western playground.*

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3. Provision of a minimum seven foot (7') wide, at-grade foundation base that utilizes brick pavers stamped or colored concrete adjacent to the west side of the existing covered porch.

4. Provision of a minimum three (3) concrete filled bollards to separate the at-grade foundation base adjacent to the west side of the existing covered porch from vehicular traffic.

5. Pick up and drop off for the daycare shall be one way, entering from the east driveway. Such circulation shall be noted at a minimum, through the use of "entrance only" and "exit only" signs adjacent to driveways.

6. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

- 1.1** The applicant is requesting a Substantial Conformance Improvement Permit to allow relief from the current City of Mesa Zoning Ordinance in regards to setback requirements.
- 1.2** The applicant is requesting that the required building and landscape setback from adjacent property lines be reduced from the required 20 feet to a minimum of 15 feet.
- 1.3** The applicant is proposing that the play area be screened from parking by a six-foot opaque masonry wall that will extend from the existing structure in each direction and will fully encompass that playground area.
- 1.4** The SCIP will allow the property to be utilized for the purpose of a daycare facility while providing updates that will improve the overall look of the neighborhood.
- 1.5** Pick up and drop off for the daycare will be one way, entering from the east curb cut. Therefore the landscape buffer on the western property line shall be a continuous four feet wide from the property line along Alma School Road to the block wall that is screening the western playground.

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Case No.: ZA07-026

Location: 3155 East Southern Avenue

Subject: Requesting a Development Incentive Permit to allow the development of a medical office building in the O-S zoning district.

Decision: Approved with conditions

Summary: Mr. Nevala, applicant, presented the DIP request and explained that there is currently 55 feet of right-of-way dedicated they are dedicating an additional 10-foot PUF. Mr. Dmohowski explained that the site meets the criteria for the review and approval of a DIP and will be compatible with the surrounding neighborhood. Additionally, the site has been reviewed and approved by the Planning Hearing Office, City Council, and Design Review Board. Mr. Gendron approved the case with the following conditions:
1. Compliance with the site plan submitted except as modified by the conditions below.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

- 1.1 The proposed site meets the criteria for a DIP:
- 1.2 A DIP is necessary to accommodate the proposed development. Requiring standard building and landscape setbacks for the project site will diminish the usable lot space.
- 1.3 Citizen participation was implemented during Z07-19 through informational letters. Only one citizen contacted the applicant regarding this case and had a question regarding an access gate located on an adjacent property. No concerns were presented in relation to the site plan.

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Case No.: ZA07-033

Location: 1214 West Baseline Road

Subject: Requesting a Special Use Permit to allow an electronic message display to remain static for less than one hour in the C-2-DMP zoning district.

Decision: Approved with conditions

Summary: Mr. Baum, applicant, presented the SUP request and explained that the sign will change once every 15 seconds on each of three sides, so that the sign may change at different intervals between sides. Mr. McVay explained that the 15 seconds was determined by the time period that would allow a vehicle traveling 45 MPH to view at least one message change. Mr. Sheffield explained that in any direction you can only see one panel of the sign. Mr. Gendron explained that he would like to see the sign only fade or dissolve rather than just abruptly change. Mr. McVay explained that the site was approved for a Substantial Conformance Improvement Permit by the Board of Adjustment and was found to be compatible with and not detrimental to the surrounding neighborhood. Mr. Gendron approved the case with the following conditions:
1. Message changes occurring no more frequently than once every fifteen (15) seconds, with transitions between messages and light intensity complying with the requirements of Sec 11-19-8(D)17.
2. Message changes shall be accomplished by means of fade or dissolve modes.

Finding of Fact:

- 1.1 The sign is located in an area of the City that is dominated by commercial uses. Many of these uses have detached signs, however, the placement of a sign with an electronic message display that changes every 15 seconds will not present a distracting influence to motorist.
- 1.2 The detached sign is the only one located on this parcel and is, therefore, with the property.
- 1.3 A 15 second message display is consistent with past Board of

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Adjustment decisions, which have allowed message changes every 15 seconds. The basis for these decisions has been the idea of having one message be visible for approximately a quarter mile as a vehicle approaches the sign.

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Case No.: ZA07-034

Location: 1750 South Mesa Drive

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an office development in the M-1-PAD zoning district.

Decision: Approved with conditions

Summary: Mr. Kendle, applicant, presented the requested SCIP and explained that this is phase 2 of the project. If he were to meet full code it would mean that he would need to modify existing buildings. Mr. McVay explained that the applicant meets the requirements for a SCIP and the proposal is commensurate with surrounding properties. Additionally, the applicant has proposed improvements to the existing site and is requesting deviation to Code for the proposed development of only the elimination of the parking screen wall requirement and a reduction in the landscape setback from Coury Ave of approximately five feet. Mr. Gendron approved the case with the following conditions:
1. Compliance with the site and landscape plans submitted.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

- 1.1** The compliance with current Code development standards for this site would require the demolition or significant alteration of the existing office building and the elimination of several parking spaces.
- 1.2** The proposal is compatible with surrounding development and the reduced setbacks are commensurate with and exceed those of existing developments and will not adversely impact surrounding properties.

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Case No.: ZA07-035

Location: 6663 East McDowell Road

Subject: Requesting a Special Use Permit for a comprehensive sign plan in the C-2 zoning district.

Decision: Approved with conditions

Summary: Mr. Pasternack, applicant, presented the Comprehensive Sign Plan request and explained that the height of his detached signs include an architectural embellishment and not the typeface on the signs. For this reason he feels the height of the sign is not an issue and should not be lowered. Mr. Pasternack further requested consideration be given to allowing modification of the CSP if a major tenant would need greater attached sign area consistent with the intent of the staff recommendations.

Mr. McVay clarified some of the numbers in his staff report. Additionally, he explained that if a sign is higher than eight feet on a building staff no longer considers it a modifier sign.

Mr. Sheffield explained that staff does not have a problem removing the stipulation regarding maximum height of the signs.

Mr. Gendron approved the case with the following conditions:

- 1. Compliance with the sign plan submitted, except as modified by the conditions listed below.*
- 2. A total of seven (7) detached signs, including existing signs for the fueling station, with an aggregate sign height of sixty feet (60') and aggregate sign area of three hundred and forty-eight (348) square feet shall be allowed along McDowell Road.*
- 3. A total of four (4) detached signs, including existing signs for the fueling station and M & I, with an aggregate sign height of 34 feet (34') and aggregate sign area of one hundred and ninety-three (193) square feet shall be allowed along Power Road.*
- 4. No detached sign shall exceed a sign area of eighty (80) square feet.*
- 5. Major Tenants with 10,000 to 35,999 square feet shall be allowed a maximum of three (3) attached signs with a maximum aggregate sign area of one-hundred and sixty (160) square feet.*
- 6. Major Tenants with 36,000 square feet or greater shall be allowed a maximum of three (3) attached signs, including modifier signs placed higher than eight feet (8') above grade, with a maximum aggregate sign area of two-hundred and fifty (250) square feet.*
- 7. Major Tenants shall be allowed unlimited modifiers signs placed at eight feet (8') or lower above grade and with a maximum letter size of twelve inches (12").*

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- 8. Pad Tenants shall comply with current Sign Ordinance maximums.*
- 9. Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

Finding of Fact:

- 1.1** The proposed Comprehensive Sign Plan (CSP) sets sign specifications and requirements for Red Mountain Promenade a group commercial center currently under development at southwest corner of McDowell and Powell Roads.
- 1.2** As justification for the increases in these multi-tenant sign heights over and aggregated detached sign heights over Sign Ordinance maximums the applicant has noted: 1) the site distance to the buildings from the street, 2) the height of individual signs in necessary to allow sufficient tenant visibility in relation to the density of the landscaping, 3) the high quality of the signs, and 4) when looked in the context of the street frontage, the increase in individual sign height is minimal.
- 1.3** The Comprehensive Sign Plan will be compatible with and not detrimental to surrounding properties.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at **2:40 p.m.**

The cases for this hearing were recorded on Zoning Administrator Flash Card **2**, Track **38**.

Respectfully submitted,

John S. Gendron
Hearing Officer

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G:ZA/Minutes/ZAM