

Zoning Administrator Hearing

Minutes



John S. Gendron
Hearing Officer

April 7, 2009 – 1:30 p.m.

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

Staff Present

Angelica Guevara
Mia Lozano-Helland

Others Present

Stephanie Rowe
Liz Longieliere
Eva Ward
Kevin Fulkerson

CASES:

Case No.: ZA09-011

Location: 1103 South Mesa Drive

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to facilitate the redevelopment of an existing office into a hospice facility in the C-2 zoning district.

Decision: Approved with the following conditions.

1. *Compliance with the site plan, elevations, and landscape plan submitted, except as modified by the conditions below.*
2. *Provide (1) 36' box tree within foundation base.*
3. *Provide landscape material within perimeter landscape yards as follows:*
 - a. *Provide a minimum of 25% of total required trees 36" box;*
 - b. *Provide a minimum of 50% of required trees 24" box;*
 - c. *Provide remainder of trees no less than 15 gallon size.*
4. *A minimum of 50% of the total required shrubs shall be 5 gallon in size.*
5. *The entire landscape yard shall be covered with decomposed granite with supplemental shrubs and groundcovers, accents, flowers, vines. Fifty percent (50%) of the landscape yard shall be vegetative material at maturity.*
6. *Parking area screen wall materials, finishes, and colors to be architecturally compatible with proposed exterior improvements to the building.*
7. *Service entrance section and trash barrels to be screened with a solid gate with materials, finishes, and colors to be architecturally compatible with the proposed exterior improvements to the building.*
8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

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Summary: Kevin Fulkerson and Eva Ward represented the case. Mr. Gendron discussed the request and asked questions regarding the type of business, parking and the age of the building. Ms. Guevara provided a staff report and recommendation. There were no citizens present to speak regarding the request. Mr. Gendron approved the request as recommended in the staff report with a minor amendment to condition of approval 5.

Finding of Fact:

- 1.1** The Substantial Conformance Improvement Permit (SCIP) allows a hospice facility in the existing 3,100 ± s.f. office building. The parcel is approximately 0.3 ± acres. The SCIP facilitates the re-development of the site with an interior and exterior remodel without having to demolish the building on the site in order to comply with full development standards. Other than a couple of planters at the foundation of the building, the entire site is currently paved.
- 1.2** The applicant's proposal will add landscape areas at the street frontage, around the building, and around the parking areas. The proposed widths of the building and landscape yards, the landscape yards around the interior perimeter of the site, and landscape within the parking area do not meet the current site development requirements.
- 1.3** The applicant is working with an existing site which was developed sometime in the 70's or early 80's with zero building and landscape setbacks. Other than a landscape planter at the entry of the building the site is completely paved. The applicant includes significant improvements with the installation of landscape areas adjacent to Mesa Drive and 11th Avenue frontages. In addition, foundation base around the entire perimeter of the building and the parking area has been identified. The applicant is providing an approximate 15' wide garden/sitting area for patients and family with benches, decorative pavers, and landscape material. The garden is directly accessible from the patient rooms adjacent to the east elevation of the building and is surrounded by a 42" high wrought iron gate.
- 1.4** The SCIP allows improvement without demolishing a majority of the existing building and other site improvements.
- 1.5** The development qualifies for a Substantial Conformance Improvement Permit, as demolition of the existing building and parking areas would have to occur to bring the site into full compliance with current site development standards. The landscape improvements will generally exceed that of the adjacent commercial properties. Further, the applicant has provided landscape material in every space available that is not dedicated to drive aisles or parking in an attempt to meet the intent of the current development standards. The development will enhance the streetscape along Mesa Drive, 11th Avenue, and the perimeter of the site with the exception of the areas where the existing building is adjacent to the property lines. As a result, the site plan, including the recommended conditions of approval, achieves substantial compliance.
- 1.6** The development is consistent with the General Plan designation of Community Commercial, and is an allowed use in the C-2 zoning district. The approved deviations are necessary to accommodate the re-development of the existing office building into a hospice facility. The

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improvements are commensurate with or exceed the conformance of the surrounding group commercial center in the vicinity of the request. The project presents reasonable improvements to a non-conforming site while attempting to meet the intent of the Site Development Standards. Consequently, the site plan, including staff recommended conditions of approval, represents compliance with the intent of the development standards of the Zoning Ordinance.

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Case No.: ZA09-012

Location: 7335 East Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) in conjunction with the expansion of a church in the R1-7 zoning district.

Decision: Approval with the following conditions.

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
2. *All dead or missing landscape material along the perimeter of the site and within the parking lot to be installed or replaced as indicated in the landscape table showing existing and new landscape material provided on landscape plan dated 06/12/00 by Reece Angell Rowe Architects.*
3. *Foundatin base landscape material around Building #1 (church building) to be provided as indicated in landscape plan signed and sealed by Timothy J. McQueen, Landscape Architect dated 3/3/09.*
4. *Compliance with all requirements of the Building Safety division with regard to the issuance of building permits.*

Summary: Stephanie Rowe represented the SCIP request. Mr. Gendron discussed the request with the applicant and staff. Ms. Guevara provided a staff report and recommendation. A discussion followed regarding the development history of the site and perimeter landscaping items. There were no citizens present to speak regarding the request. Ms. Rowe stated that she did receive three phone calls from neighbors with unrelated questions. Mr. Gendron approved the request as recommended in the staff report.

Finding of Fact:

- 1.1 The Substantial Conformance Improvement Permit (SCIP) allows a 4,442 s.f. two-story office and Sunday school class addition at the existing 15,313 s.f. two-story building. The parcel is approximately 4.585 ± acres. The SCIP facilitates the expansion on the site with an addition and remodel of the existing building without having to demolish existing improvements on the site in order to comply with full development standards
- 1.2 A variance (ZA93-068) was approved in 1993 to: 1) allow decreased widths of landscaped areas adjacent to interior and street side property lines; 2) delete required screen walls adjacent to a parking lot; and 3) allow decreased number and sizes of required plants.
- 1.3 The site was developed years ago under previous code requirements. To require improvements that comply with current code would require the demolition of existing site improvements, the elimination of required parking spaces and maneuvering areas which would further make the site non-compliant with current code.
- 1.4 The identified improvements to the existing site are proportionate to the percentage of the addition compared to the existing square footage of the church. The improvements include the

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installation of landscape material at the perimeter of the entire site where none or very sparse landscape material currently exists.

- 1.5** The SCIP will prevent demolition of an existing non-conforming parking lot at a site that currently does not have any excess parking spaces. The existing end cap landscape islands do not meet the required 8' in width and 15' in length and are not spaced to meet current code requirements.
- 1.6** The foundation base around the existing building does not currently meet code. In order for the foundation base around the existing building to meet code, the applicant would have to remove portions of the building or the existing parking areas. The site plan for the most part, leaves the existing improvements as is, with the addition of landscape material within the existing parking islands and planters surrounding the building in quantities which comply with Code.
- 1.7** The development qualifies for a Substantial Conformance Improvement Permit, as demolition of the existing parking lot and the existing buildings would have to occur to bring the site into full compliance with current site development standards. Further, the installation of landscape material will enhance the streetscape along Broadway Road, Rowen, the interior perimeter of the site, within the parking lot, and around Building #1. As a result, the site plan, including the recommended conditions of approval, achieves substantial compliance when considering the previous variance approvals for this site.
- 1.8** The expansion is consistent with the General Plan designation of Medium-Density Residential 4-6 du/acre, and is an allowed use in the R-4 zoning district. The approved deviations are necessary to accommodate the remodel and two-story addition. The project presents reasonable improvements to a non-conforming site. Consequently, the site plan, including staff recommended conditions of approval, and the previous variance approval represents compliance with the intent of the development standards of the Zoning Ordinance and the use will be compatible with and not detrimental to surrounding properties compliance.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:08 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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