



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 December 11, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Brandice Elliott
Constance Bachman

Others Present

David Schuler Al Cappello
Julie Schuler Dave Peternelia
John Sloan James Habey
Frank Shelton Richard Clore

CASES

- Case No.: ZA07-129
- Location: 2414 South Orange
- Subject: Requesting a Special Use Permit (SUP) to allow a detached accessory living quarters in the R1-6-DMP zoning district.
- Decision: Approved with the following conditions.
1. *Compliance with the site plan submitted except as modified by the conditions below.*
 2. *The Accessory Living Quarters shall not be leased or rented.*
 3. *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.*
 4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: David and Julie Schuler represented the Special Use Permit request, noting that they did not have additional information to add to the case file. Mr. Gendron discussed the request with the applicant and staff. Discussion included when the home was constructed and if there were CC&Rs that would affect the proposal. Mr. McVay provided a staff report and recommendation. Mr. Gendron agreed that the SUP was consistent with the intent of the Code and that the accessory living quarters would be compatible with and not detrimental to surrounding properties.
- Findings:
 - The existing layout of the primary dwelling makes attachment of the Accessory Living Quarters difficult. However, it will be architecturally integrated with the rest of the home. The Accessory Living Quarters will be served by the same utilities as the main dwelling. The entrance to the

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Accessory Living Quarters will not be visible from the public right-of-way. The Accessory Living Quarters is approximately 43% of the size of the main dwelling.

- While the provided justification statement does not state that the Accessory Living Quarters will not be leased or rented, it is intended for the use of family members.

- The Accessory Living Quarters is consistent with the intent of the Zoning Ordinance, complies with all setback and lot coverage requirement of the R1-6 zoning district and will be compatible with and not detrimental to surrounding properties.

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Case No.: ZA07-130

Location: 7900 East Main Street

Subject: Requesting a Special Use Permit to allow a cemetery in the AG 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: Richard Clore and James Habey represented the Special Use Permit request, noting that they did not have additional information to add to the case file. Mr. Gendron discussed the request with the applicant and staff. Discussion included the location of the mausoleums, the size of the mausoleums, and the history of the site. Dave Peternelia, neighboring property owner, was in attendance. He was not in opposition to the request, but did want to ensure that residential development was not being approved for an adjacent property. Ms. Ginffke provided a staff report and recommendation. Mr. Gendron agreed that the proposed mausoleums would be compatible with and not detrimental to surrounding properties.

Findings:

- The SUP allows extension of the existing “Community Mausoleum Development” as Phase III of Wall of Peace. Four mausoleums already exist along the west property line at the south end of the cemetery. Future mausoleums are located along the west property line as well as along the east property line. The future mausoleums are approximately 1,400sf and 18’ tall, with a 20’ tall archway over sheltered areas between the buildings.
- The subject property was annexed into the City of Mesa in August of 2000, and subsequently rezoned to Agricultural (AG) through comparable zoning case Z00-56. Cemeteries, crematories and mausoleums are permitted in the Agricultural zoning district, subject to approval of a Special Use Permit (Sec. 11-3-3C). The cemetery already existed at the time of annexation, and did not have a Special Use Permit. The proposed change to the site (new mausoleums) has triggered the requirement for a Special Use Permit.
- The Agricultural zoning district requires a minimum side yard setback of 60’. The proposed (and existing) mausoleums are located 14’ from the east and west property lines. A Special Use Permit can allow for modifications to standard Zoning Ordinance requirements when proposed uses/buildings are not detrimental to persons living or working nearby, adjacent property, the neighborhood or the public welfare in general. Adjacent uses to the west include single residences. Adjacent to the east is 80th Street, and beyond that is a residential subdivision (Broadview Acres).
- The applicant provided written notification to all property owners within 300’. Two neighbors have contacted staff because they are concerned that the cemetery is proposing new uses that extend onto adjacent land to the east, north and northwest. The future mausoleums are located within the current cemetery property. The areas to the north and northwest of the cemetery are already developed or are approved for development as single residential subdivisions (not manufactured-home parks)
- The mausoleums uses are not anticipated to generate noise, light or other negative impacts to the neighboring properties. Consequently, the proposal would be compatible with and not detrimental to surrounding properties.

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- Case No.: ZA07-131
- Location: 423 South Stapley Drive
- Subject: Requesting modification of a Special Use Permit to allow the conversion of one self-serve carwash bay into an auto wash bay in the C-2 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: John Sloan represented the Special Use Permit request, noting that he did not have additional information to add to the case file. Mr. Gendron discussed the request with the applicant and staff. Discussion included the service level of the carwash, addition and/or location of drying canopies and vacuums, the hours of operation, and modifications to landscape or signage. Mr. McVay provided a staff report and recommendation. Mr. Gendron agreed that the minor carwash modification would be compatible with and not detrimental to surrounding properties.
- Findings:
- The modification to the carwash located at the southeast corner of Broadway Road and Stapley drive includes retro-fitting automatic car wash equipment to an existing self-service wash bay.
 - The applicant has provided photo simulations of the proposed automatic carwash bay that highlight no exterior changes to the building and only the addition of a kiosk for the carwash purchase. Consequently, this request will not expand or intensify this site or require compliance with current Code requirements.
 - The applicant has also provided details of the equipment that will be installed and a sound study for the equipment. The subject site is located in a predominately commercial area and is approximately 150 feet from the nearest residential use. The residential uses are separated from the carwash by intervening buildings.
 - The modification to the carwash is consistent with the originally approved Special Use Permit and will result in little impact on neighboring properties. Consequently, the proposed modification would be compatible with and not detrimental to neighboring properties.

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- Case No.: ZA07-132
- Location: 2760 South Alma School Road
- Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of a new restaurant with drive-thru.
- Decision: Approved with the following conditions.
1. *Compliance with the site plan, landscape plan and elevations submitted, except as noted below.*
 2. *Compliance with the following current Code requirements:*
 - a. *Provide perimeter landscaping consistent with Code requirements along the Guadalupe Road street frontage.*
 - b. *Screen (and/or relocate to the interior of the building) all building-mounted and ground-mounted equipment.*
 - c. *All signage to be limited to the number and size permitted by Code.*
 3. *Compliance with all requirements of the Design Review Board.*
 4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Al Cappello represented the SCIP request, noting that he did not have additional information to add to the case file. Mr. Gendron discussed the request with the applicant and staff. Discussion included ROW dedication requirements, staff recommended conditions of approval, and the zero setback along the west property line. Ms. Gniffke provided a staff report and recommendation. Mr. Gendron agreed that the proposal provided substantial conformance for the specific site and the deviations allowed were necessary to allow development of the site. Mr. Gendron further noted the development would be compatible with and not detrimental to surrounding properties.
- Findings:
- The Substantial Conformance Improvement Permit allows development of a new 2,040sf restaurant with a drive-thru lane, within an overall 7-acre commercial corner. This new building will replace an existing ~1,600sf restaurant building w/drive-thru. The SCIP allows the redevelopment of the site without bringing the entire site into compliance with current development standards.
 - The site plan substantially conforms to Code requirements within the 'scope of work' area. The foundation base and parking lot areas meet Code requirements. New landscaping surrounds the building and provides a buffer between the drive-thru lane and Guadalupe Road. Landscape and building setbacks meet Code requirements along Guadalupe Road; this is an improvement from the overall commercial center, which only maintains a 10' landscape setback from the Guadalupe Road right-of-way. The number of trees shown along Guadalupe Road will need to be increased to meet Code requirements (**condition #2a**).
 - The existing west edge of the site is comprised of a drive aisle with minimal landscaping. The drive aisle extends north and wraps around the existing shopping center. The SCIP allows a deviation from the current Code related to the landscaping along the west property line. The SCIP would also allow deviations from current Code regarding the width of the landscape median west of the drive-thru lane, the stacking distance within the drive-thru lane and the provision of a loading zone. Full compliance with current Code would require significant alteration of existing site conditions.

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- To provide additional compliance with current Code development standards, conditions of approval require building-, wall- and ground-mounted equipment be screened from view to comply with current requirements (**condition #2b**) and that the number and size of signage be compliant with Code (**condition #2c**).
- The site plan submitted, including conditions of approval, provides substantial conformance with current Code requirements and justifies the requested SCIP. Additionally, the proposed use and improvements will be compatible with, and not detrimental to, adjacent properties in the area.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:02 p.m.

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

Respectfully submitted,

John Gendron
Hearing Officer

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