



Zoning Administrator Hearing **Minutes**

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

Draft

John S. Gendron
Hearing Officer

DATE November 27, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Brandice Elliott
Constance Bachman

Others Present

Jim Larson
Mark Quinn
Lee Padilla
Delos Nokleby
Patrick Tenmant
Gary Tibshraeny
Lisa Tibshraeny

CASES

Case No.: ZA07-109

Location: 2605 South Signal Butte Road

Subject: Requesting variances to allow: 1) a reduction in landscape plantings, and 2) allow phased perimeter landscaping in conjunction with the development of a church in the AG zoning district. **This case was continued at the November 6, 2007 meeting.**

Decision: **1) Approved with conditions
2) Denied**

Summary: Staff recommends **approval** of case ZA07-109, *conditioned upon the following:*

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
2. *All Phase I landscaping shall meet or exceed Zoning Ordinance minimums.*
3. *All deferred perimeter landscaping shall be installed with approval of building permits for any development within Phase II.*
4. *All deferred perimeter landscaping, when installed, shall comply with the development standards then in place.*
5. *A twenty-foot (20') wide temporary turn-around, constructed of a*

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durable material such as asphalt, shall be constructed to connect the dead-end parking fields in the northeast portion of Phase I.

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

Findings:

- The subject property has been developed with a church. The final approval of the Certificate of Occupancy has not been completed as the church has requested variances to current development standards. Specifically requested is a reduction in the number of trees planted along the south property line and the deferment of perimeter landscape improvements for the Phase II area.
- As justification, the applicant has noted: 1) the size of the parcel was chosen to accommodate the long-term needs of the church; 2) budgetary considerations require the phasing of development; 3) coordination of landscaping along the south property line with a future church development will result in compliance with landscape requirements; and 4) all development standards of the City will be met upon completion of Phase II and the church development to the south.
- The size of the parcel in relation to the first phase of development creates a unique condition that justifies the deferment of Phase II landscaping until development begins. The deferred landscaping must be completed to the standards in place at the time of development, and any additional deferment or alteration of phasing will require review and approval of a variance through the Zoning Administrator or Board of Adjustment.
- Staff does not support any reduction below Code minimums for landscaping within Phase I, and specifically along the south property line. Such reduction has not been justified by unique conditions and primarily relates to budgetary concerns.
- Staff concern relates to the creation of dead-end parking fields in the northeast portion of Phase I. Given this concern, staff recommends a temporary paved turn-around be constructed to connect the two dead-end parking rows. This turn-around should be constructed of a durable material such as asphalt and of sufficient width to facilitate two-way traffic.

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Case No.: ZA07-124TC

Location: 435 North Grand

Subject: Requesting: 1) a variance to allow an accessory building to encroach into the rear setback; and 2) a Special Use Permit; both in conjunction with the development of a detached accessory living quarters in the R1-6 zoning district.

Decision: **This case is continued to the December 18, 2007 meeting.**

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Case No.: ZA07-126

Location: 8405 – 8435 East Baseline Road

Subject: This request involves a proposed Comprehensive Sign Plan (CSP) for a group office development located at the southeast corner of Baseline and Hawes Roads. The complex consists of nine individual multi-tenant buildings. The proposal for the CSP would allow individual tenant/owner signage and monument signs in excess of current City of Mesa Sign Ordinance maximums for developments within the O-S zoning district.

Decision: **Approved with conditions**

Summary: Staff recommends **approval** of case ZA07-126, *conditioned upon the following:*

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Tenants shall be allowed a maximum of two (2) attached signs with a maximum aggregate sign area of thirty-two (32) square feet.*
3. *No attached signs shall be allowed on the south or east sides of Buildings C, D, E1, E2, F, and G.*
4. *Attached signs shall be non-illuminated or utilize halo illumination only.*
5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

Findings: The applicant's request, Code requirements, and staff recommendations are shown in the table below.

Attached Signs

Building	Code Sign Area Maximums	Code Maximum Number of Signs	Proposed Maximum Sign Area	Proposed Maximum Number of Signs	Staff Recommendation
Entire site	1.0 s.f./ 5 lineal feet of street frontage (Max. 64 s.f. aggregate/per street frontage)	2 Signs (attached or detached)	Max. 32 s.f.	1 sign per elevation per tenant space	1 attached sign per tenant/per elevation, not to exceed 2 signs per tenant – Max 32 s.f. aggregate sign area per tenant space

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Detached Signs

Street	Frontage	Code Aggregate Sign Area	Code Aggregate Sign Height	Proposed Sign Area	Proposed Sign Height	Staff Recommendation
Baseline Road 1 sign	590 feet	64 s.f./street frontage (attached or detached)	16 feet	32 s.f.	8 feet	As proposed
Hawes Road 0 signs	350 feet	64 s.f./street frontage (attached or detached)	16 feet	--	--	--

- This professional complex is zoned OS, which is a transitional zoning district surrounded by single-family residential neighborhoods. A multiple building, multi-tenant office development is generally found in a C-1 or C-2 zoning district and is unique in the OS zoning district.
- The current Sign Ordinance maximums for developments in the OS district do not allow sufficient signage to identify this type of development, as well as individual tenants. For the entire development, the Sign Ordinance would allow a total of four signs and 128 square feet of sign area between all attached and detached signs. Even if the development only included one tenant per building, there would be nine individual tenants that would need identification.
- The complex has proposed one detached sign with an overall height of eight feet and sign area of 32 square feet along Baseline Road. Tenants would be allowed a maximum of one attached sign per elevation with a maximum sign area of 32 square feet each. Attached signs would be internally illuminated or non-illuminated.
- Staff is recommending that no tenant be allowed greater than two attached signs with an aggregate sign area 32 square. Additionally, to ensure compatibility with neighboring properties, no attached signs should be allowed on the south or east walls of Buildings C, D, E1, E2, F, and G. Staff further recommends attached sign be non-illuminated or limited to halo illumination only.

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Case No.: ZA07-127

Location: 1014 East Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit to facilitate the redevelopment of a multiple residence use in the R-4 zoning district.

Decision: **Approved with conditions**

Summary: Staff recommends **approval** of case ZA07-127, *conditioned upon the following:*

1. *Compliance with the site and landscape plans submitted.*
2. *Parking and maneuvering areas shall be paved with asphalt, concrete, or similar material.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Findings:

- The applicant is requesting a Substantial Conformance Improvement Permit that will allow deviation from the required building setbacks and on-site parking requirement to allow the conversion of an existing single residence structure to a multiple residence with three units, consisting of one three bedroom and two, one bedroom units. Current Code requirements, the applicant's request, and staff recommendations are shown in the table below.

Setbacks	Required (Building)	Proposed (Building)	Staff Recommendation
Broadway Road	30 feet/f 65' ROW	4 feet/f 65' ROW	As proposed
North	20 feet	20' 6"	As proposed
East	20 feet	10 feet	As proposed
West	20 feet	0 – 35' 8"	As proposed

- The compliance with current Code development standards for this site would require the demolition or significant alteration of the existing structure and the preclusion of a lawfully permitted use.
- The applicant has proposed an expansion of the site that complies with all current Code setback standards with exception of the setback from Broadway Road and the east and west property lines. A 30-foot setback is required from the future 65-foot right-of-way for Broadway Road. The existing structure is four feet from the future right-of-way and no additional expansion towards Broadway Road is proposed. The applicant has proposed the continuation of a 10-foot setback from the east property line. Along the west property line, adjacent to the driveway and parking a zero setback has been proposed and approximately 36 feet has been proposed for the building.

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- The applicant has provided five on-site parking spaces where Code would require five spaces for the units and one additional space for guest parking. Guest parking can be accommodated on nearby local streets and on the driveway in front of the garage.
- The property has historically been accessed through an ingress and egress easement located on the subject property and the property to the west. The applicant has provided evidence of the existence of this easement and proposes continued use with this proposal.
- The applicant is proposing to add on-site parking and parking lot landscape islands, additional on-site landscaping, and foundation base. Staff is further recommending that all vehicular circulation and parking areas be paved with asphalt, concrete or other similar material.
- The proposed development 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.: ZA07-128

Location: 925 West Fairway Drive

Subject: Requesting a variance to allow development of a detached accessory building that exceeds the maximum height permitted in the R1-9 zoning district.

Decision: **Approved with conditions**

Summary: Staff recommends **approval** of case ZA07-128, *conditioned upon the following:*

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.*
3. *Compliance with the site and landscape plans submitted.*
4. *Parking and maneuvering areas shall be paved with asphalt, concrete, or similar material.*
5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Findings:

- The subject property is located within Hillcrest Terrace, a subdivision built along the Tempe Canal and the “Mesa” for which the City is named. The subject lot has a significant slope that required the building pad to be carved out of the “Mesa”. There is a limited amount of level area where the dwelling is constructed. The front property line is well below and the rear property line is well above this level area.
- The applicant is proposing to construct a detached accessory building behind the primary dwelling. The proposed building would be approximately 192 square feet in size and 10’ 6” in height. Due to the limited amount of level building area and significant slope in the rear of the property, the applicant is required to place detached structure within the rear and side setbacks. Code permits such structures in the rear and side setback, however, because the structure is not located within the rear ¼ of the lot, the height is limited to eight feet.
- The “Mesa” creates a unique condition of the site that precludes the applicant from constructing a detached building of the height permitted. The “Mesa” is a pre-existing condition, not created by the applicant. The applicant structure proposed is of reasonable size and under normal conditions, would be allowed without the need of a variance. Consequently, the requested variance does not grant the applicant a special privilege unavailable to other properties.

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

The cases for this hearing were recorded on Zoning Administrator Flash Card, then burned to CD.

Respectfully submitted,

Gordon Sheffield
Hearing Officer

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