



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 August 21, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Constance Bachman

Others Present

Jason Shoudis
Mitchell Foy
Ahmed Hassan
Jeff Decker
Don Martinsen
Jerome Markoski
Don O'Toole
John Lippert

CASES

- Case No.: ZA07-072
- Location: The 10900 to 11400 blocks of East Baseline Road - south side
- Subject: Requesting a minor modification of the Sunland Springs Village Development Master Plan to allow covered patios attached to single-residence homes adjacent to the golf course to encroach into the required rear setback in the R1-6-DMP zoning district.
- Decision: Approved with the following conditions:
- 1. Compliance with the site and landscape plan submitted, except as modified by the conditions below.*
 - 2. Covered open patios shall provide a minimum two-foot (2') setback from the rear property line.*
 - 3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Mr. O'Toole provided a description of his specific request and questioned that if the staff recommendation for a 5-foot setback is based on building code requirements, would the provision of a no-build easement on the golf course allow staff to recommend a two-foot setback. Mr. Decker, Sunland Springs HOA President, stated

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support of the two-foot setback on those lots that back the golf course, as well as other properties that back to power lines or retention basins. He further noted that the homeowners association does not own the golf course and the decision to allow such no-build easement would have to come from the Farnsworth family.

Mr. McVay replied that with a 30-foot no-build easement that a two-foot setback would be acceptable. The 30-foot no-build easement would essentially guarantee the required 15-foot setback for both properties.

Mr. Gendron clarified that the public notice was limited to golf course lots and that decision must also be limited to golf course lots. Mr. Gendron noted that the request was compatible with the intent of the approved PAD and approved the request as proposed by the applicant, noting that approval of building permits was still required.

Finding of Fact:

- The requested Minor Modification of the Sunland Springs Village Development Master Plan would apply to only those single residence lots that back to the golf course.
- The golf course provides sufficient buffer to avoid future building separation issues and will in essence provide increased sufficient rear yard setback to allow patio covers which extend closer to the rear property line.
- The golf course was established through a Development Master Plan, which was designed to include substantial open space, and/or recreational facilities that are held in common ownership and amenities that create a unique alternative to conventional development.
- The modification to the existing Development Master Plan is being brought forward by the Homeowners Association in efforts to provide relief to all single-residence homeowners in the DMP with golf course lots. For that reason, the modification to the Development Master Plan would not grant special privileges to anyone one property owner in the community that would not be available to all other golf course properties in the Sunland Springs Master Development plan.

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Case No.: ZA07-087

Location: 465 South Robson

Subject: Requesting a variance to allow a reduction in building and landscape setbacks from adjacent property lines in the M-2 zoning district.

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of Design Review Board case DR07-64.*
3. *The fifteen-foot (15') setback identified from the north property line shall be maintained as landscape area and any existing development shall be removed.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
5. *Compliance with site plan submitted.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary:

Mr. Martinson, applicant, presented the request and noted agreement with all of the staff recommended conditions of approval.

Mr. Gendron questioned the applicant and staff about the site plan to better understand the request and how the recommended conditions of approval would affect the site.

Mr. McVay noted the unique conditions of the site that justify the variance request and further noted the request is compatible with and not detrimental to surrounding properties.

Finding of Facts:

- The variances will allow development of a three building industrial project within an established industrial area that: 1) allows parking to encroach two feet into the landscape setback from the north property line, resulting in a effective setback of 13 feet, 2) allow an existing asphalt parking area to the north to encroach into the setback, and 3) allow a zero setback from the south property line.
- The applicant has requested the setback be reduced to zero along the south property line. Zero setbacks are a common occurrence in this industrial area and requiring the applicant to comply to current setback requirements would impose a hardship on the applicant that has not been imposed to other properties.

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Consequently, the applicant would be deprived of privileges available to other properties in the vicinity.

- The size of the parcel and age of surrounding development create unique circumstances that justify the requested variances. Consequently, staff supports the request with the exception of encroachment of the existing asphalt parking area into the setback from the north property line.
- As proposed, a new lot line would be created with this request. As shown on the site plan, that lot line crosses an existing parking area on the existing development to the north. In order for the applicant to provide the required 15-foot from the north property line, that parking area must be reduced so not to cross property lines.
- The proposed project has received the review and approval of the Design Review Board through case DR07-64.

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Case No.: ZA07-088

Location: 12759 North Val Vista Drive

Subject: Requesting a Special Use Permit to allow an assisted living facility in the O-S-PAD zoning district.

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all conditions of approval for zoning case Z07-78.*
3. *Compliance with all conditions of approval for design review case DR07-89.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Mr. Hassan, applicant, presented the SUP request and noted the site has been designed to blend with the residential character of the surrounding community and that the facility would accommodate 47 residents and a maximum of eight staff members.

Mr. Dmohowski, presented at staff report and recommendation, further noting that the proposal has also received the review and approval of the Planning and Zoning Board and Design Review Board and is consistent with the recommendations of the Citrus Sub-Area Plan.

Mr. Gendron noted that the proposal was compatible with the surrounding neighborhood and approved the request.

Finding of Facts:

- A Special Use Permit is required for an assisted living facility located in the O-S zoning district in accordance to section 11-6-4(A) of the Zoning Ordinance.
- The proposed development is located within the Citrus Sub-Area, which designates this corner for office and related uses, as long as the project maintains the rural citrus character of the area, and is “compatible with the existing residential community and looks like a custom residential dwelling with respect to site layout, landscaping, and architectural design” (Chapter 4, Section 3).

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- The assisted living facility has the appearance of a residential dwelling rather than an institution and is intended to provide a home like environment for the elderly.
- The project complies with standards of the Citrus Sub-Area Guidelines. Two rows of citrus trees are being planted along the street frontages and a 6-foot masonry wall with wrought iron is also being built to maintain the appearance of a residential dwelling.
- The project includes an 8-foot wall and a single row of fast growing trees along the south and east property lines where adjacent to single-residences. The wall and trees will provide additional screening between the O-S and R1-35 zoning districts.
- A citizen participation plan was implemented as part of zoning case Z07-78. The applicant notified the Citrus Area Homeowners (CAH) and property owners within 1,000' of the site.
- In 2006 and May 1, 2007, the applicant met with Mr. Lew Lenz of the Citrus Area Homeowners (CAH) to introduce the project and discuss details. Mr. Lenz questioned the demand for such a facility, but stated that he liked the idea of a single, home-like structure.
- The subject site is located at the corner of Val Vista Drive and McDowell Road. Even though the area primarily consists of single-residence lots, the proposed project is an appropriate use for a parcel located at the intersection of two arterial streets. Driveway locations have direct access to Val Vista and McDowell and the parking lot is screened from view by a masonry wall.
- The proposed project complies with requirements of the Zoning Ordinance and Citrus Sub-Area Guidelines. The site plan and building are well designed and will effectively blend in with the existing residential areas, contributing to the overall theme of the Citrus Sub-Area. This project is compatible with and not detrimental to surrounding properties.

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Case No.: ZA07-089

Location: 3702 East McLellan Road

Subject: (Council District 5) – Requesting a Special Use Permit to allow detached accessory living quarters in the R1-35-PAD zoning district.

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Provision of a minimum forty-foot front setback.*
3. *Maintenance of the trees identified on the site plan submitted.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Mr. Foy, applicant, stated that there has been a change in the site plan to relocate the front door of the accessory living quarters to the elevation facing the right of way and to screen that door by leaving 4 or 5 rows of mature citrus in place in front of the accessory living quarters.

Mr. Markoski, neighbor to the east, asked a question concerning the placement of the home and upon receiving those answers gave his support to the request.

Mr. Hash provided a staff report and recommendation, noting that the request was compatible with the intent of the Code related to accessory living quarters.

Finding of Fact:

- A Special Use Permit (SUP) is required for all detached accessory living quarters within the City of Mesa. The requirements for detached accessory living quarters ensure that the additional dwelling unit is commensurate with the surrounding community and zoning district.
- In a single family zoning district the owner does have the option to construct a accessory living quarters provided that property can meet the six part test as outlined in the City of Mesa Zoning Ordinance.
- The requested accessory living quarters meets all criteria for a Special Use Permit (SUP) with the exception of direct accessibility from the main dwelling. The accessory living quarters being proposed attaches to the main dwelling by a

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common roof structure that will act as an arched crossover entrance for the auto court.

- The detached accessory living quarters will be integrally designed to be a continuance of the main dwelling and will be configured in a manner that will place the front entrance door of the quarters to the interior of the property. The quarters will be 20% of the main structure and be served by the same utilities services.
- As stated by the applicant, the Accessory Living Quarters will not be utilized as a rental property.
- The proposed accessory living quarters is compatible with and not detrimental to surrounding properties.

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- Case No.: ZA07-090
- Location: 1958 South Greenfield Road
- Subject: Requesting a variance to allow onsite parking less than the minimum required for a group commercial development in the C-2 zoning district.
- Decision: Approved with the following conditions:
1. *Compliance with the Site Plan submitted.*
 2. *Review of the Lighting and Bathroom facilities by the Design Review Staff as part of ADR07-015.*
 3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Mr. Shoudis, applicant, presented the variance request and stated that the owner does not want to relocate the trash enclosures due to the costs involved with movement as well as the approval of the center owner.
- Mr. Hash, provided a staff report and recommendation, noting that the proposed mixture of uses at the site allows a shared parking schedule and further clarified that the comments related to the dumpster location did not result in a recommended condition of approval.
- Finding of Fact:
- Variance is being requested to allow a 4,250 s.f. patio extension to the existing Dos Gringos Grille, such expansion of the floor area of a restaurant would require an additional 56 parking spaces to be added to the existing group commercial center.
 - Currently the group commercial center requires a total of 574 parking spaces. The center has 580 spaces, which includes a reduced recently approved through case (ZA07-043) for a SCIP.
 - The approved SCIP (ZA07-043) allowed for the addition of an additional pad location on the east side of the group commercial center. The SCIP resulted in a reduction of 11 parking spaces in attempt to bring the overall site into substantial conformance with regards to landscape islands within existing parking fields.
 - Due to the different types of businesses within in the group commercial center, the applicant is proposing a shared parking schedule be used to calculate parking required for the overall center. The parking schedule would recognize that the uses in the group commercial center have peak hours that vary due to the nature of the businesses.

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- Further compliance could be met through the movement of the trash enclosures to the rear of the group commercial center, which could provide sufficient area to accommodate 6 additional spaces in front of the new patio area and improve the view for those patrons that are utilizing the area.
- Staff feels it is also important to address the lighting that will be installed for the proposed volleyball courts. Design Review Staff, as part of case ADR07-015 will review the light placement and style, which is an addendum to DR05-015.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:03 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card 2, Track 22.

Respectfully submitted,

John S. Gendron
Hearing Officer

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