



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 December 11, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Brandice Elliott
Constance Bachman

Others Present

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

Summary: Staff recommends **approval** of case ZA07-129, *conditioned upon the following:*

- 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.*

City of Mesa
Zoning Administrator Minutes
December 11, 2007

Findings:

- The applicant's state the existing layout of the primary dwelling make 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 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.

City of Mesa
Zoning Administrator Minutes
December 11, 2007

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 conditions

Summary: Staff recommends **approval** of case ZA07-130, *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.*

Findings:

- The applicant is proposing to extend 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. Proposed mausoleums are located along the west property line as well as along the east property line. The proposed 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 site plan and notification boundary map did not define the boundaries of the proposed development so as to be understandable by the neighbors. To clarify, this proposal does not extend beyond the boundaries of

City of Mesa
Zoning Administrator Minutes
December 11, 2007

the current cemetery property. The proposed and 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). Mobile home parks are not permitted uses in the existing zoning districts surrounding the cemetery to the north/northwest. This case has not been advertised as a proposal for manufactured home parks on the adjacent properties; this hearing does not have the jurisdiction to authorize approval of manufactured home parks on the adjacent properties.

- The proposed 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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City of Mesa
Zoning Administrator Minutes
December 11, 2007

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 conditions**

Summary: Staff recommends **approval** of case ZA07-131, *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.*

Findings:

- The proposed 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 proposed 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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City of Mesa
Zoning Administrator Minutes
December 11, 2007

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 conditions**

Summary: Staff recommends **approval** of case ZA07-132, *conditioned upon the following:*

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.*

Findings:

- The requested Substantial Conformance Improvement Permit would allow the development of a new 2,040sf restaurant with a drive-thru lane, within an overall 7-acre commercial corner. This new building would replace an existing ~1,600sf restaurant building w/drive-thru. The applicant has requested a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of the site without bringing the entire site into compliance with current development standards.
- The applicant has proposed to substantially conform 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. However, 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 requested SCIP would allow 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.

**City of Mesa
Zoning Administrator Minutes
December 11, 2007**

- To provide additional compliance with current Code development standards, staff recommends that building-, wall- and ground-mounted equipment be screened from view to comply with current requirements (**condition #2b**). Staff also recommends that the number and size of signage be compliant with Code (**condition #2c**).
- The site plan submitted, including staff recommended 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.
- The following table outlines current Code requirements in relation to the proposed development.

Zoning Ordinance Citation	Requirements
Building SF and parking §11-16-3	Proposed 2,040sf Taco Bell w/drive-thru; 20 spaces required Existing 72,580sf shopping center; 242 spaces required Existing 5,014sf restaurants w/drive-thrus; 50 spaces required Total spaces required: 312 Total spaces provided: 364 meets Code
Building height §11-6-6	Allowed Commercial zoning: 30' & 2-stories (w/20% increase allowed for architectural towers, 36' max) Proposed: 20'-10" to parapet, and 26'-3.75" to arch meets Code
Building setbacks §11-15-2(A)	<ul style="list-style-type: none"> ▪ 20' required from Guadalupe Rd (arterial): 33' provided meets Code ▪ Adjacent to R1-6 zone – 25' required: 73' provided meets Code
Landscape setbacks §11-15-2(B)	<ul style="list-style-type: none"> ▪ 20' required from Guadalupe Rd (arterial): 20' provided meets Code ▪ Adjacent to R1-6 zone – 25' required: 0' provided does not meet Code
Building Separation §11-15-2(C)	One-story: 25' required; meets Code
Interior Parking Lot Landscaping/Layout §11-15-3	<ul style="list-style-type: none"> ▪ Landscaping planter required every 8 stalls, 8' min width meets Code within Limits of Construction ▪ Parking stalls should be a minimum of 9' wide by 18' in depth. meets Code within Limits of Construction ▪ Drive aisles should be a minimum of 24' in width. meets Code within Limits of Construction
Landscape requirements: Street frontage landscaping §11-15-3-A (Condition #2a)	Arterial, Major Collector (Guadalupe Rd): 2 trees/6 shrubs per 25' linear feet of street frontage: 175 linear feet of street frontage = 12 trees/36 shrubs required; 7 trees provided does not meet Code
Landscape requirements: Adjacent property lines §11-15-3-A-2	Landscaping adjacent to single residence: 5 non-deciduous trees and 20 shrubs per 100 linear feet of adjacent property line: No landscaping provided does not meet Code
Foundation base §11-15-3-C	<ul style="list-style-type: none"> ▪ Along the side(s) of the building with public entrances: provide minimum 15' foundation base measured from face of building to face of curb along the entire length of the exterior wall meets Code ▪ Provide 2' foundation base along exterior building where adjacent to drive-thru lane meets Code

**City of Mesa
Zoning Administrator Minutes
December 11, 2007**

Foundation base landscaping §11-15-3-C-2	<ul style="list-style-type: none"> ▪ 1 tree per 50' linear feet of exterior wall: 4 trees required within 30' of exterior wall. 5 trees provided meets Code ▪ Elevations with public entrances require 33% landscaping meets Code ▪ Elevations without public entrances and visible from public right of way require 25% landscaping
Parking lot landscaping §11-15-3-B	1 tree & 3 shrubs per landscape island required, and 10% of trees shall be 36" box size min. meets Code within Limits of Construction.
Retention basin §11-15-3-D	Ensure integrated landscaping and irregular contours for basins adjacent to streets.
Screening standards §11-15-4 (Condition #2b)	<ul style="list-style-type: none"> ▪ Roof mounted equipment: does not meet Code ▪ Ground mounted equipment: does not meet Code ▪ Service entrance section (SES): does not meet Code ▪ Roof access ladders and fire sprinkler risers: not shown ▪ Trash and refuse collection area: meets Code ▪ Provide 40" high screen wall between the drive-thru lane and the public ROW meets Code ▪ Common property line: Provide a minimum 6' wall adjacent to single residence land uses meets Code
Site Layout Standards §11-15-5	<ul style="list-style-type: none"> ▪ Walkways shall be 5' wide minimum, include landscaping, be distinguished from driving surfaces through the use of pavers or stamped/colored concrete, and provided to each street frontage; meets Code ▪ No more than 200 parking spaces allowed together in one group or cluster; clusters shall be separated by landscaping, pedestrian connections, cross aisles, etc. meets Code ▪ Drive aisles are to be perpendicular to each other meets Code
Drive-thru §11-15-6-C	<ul style="list-style-type: none"> ▪ Drive-thru lane shall be physically separated from non drive-thru traffic with a 5' wide raised landscape median. Does not meet Code – not continuous 5' width ▪ Provide 100' stacking distance between pick-up window and order-placing speaker, and 40' stacking distance between order-placing speaker and entry to drive-thru lane. Does not meet Code
On-site loading §11-16-3-H	<ul style="list-style-type: none"> ▪ Provide 1 on-site 10'x30' loading space for all non-residential uses Does not meet Code

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City of Mesa
Zoning Administrator Minutes
December 11, 2007

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 on Zoning Administrator Flash Card, then burned to CD.

Respectfully submitted,

Gordon Sheffield
Hearing Officer

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