



# 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 July 3, 2007**

**TIME 1:30 P.M.**

**Staff Present**

Jeff McVay  
Jim Hash  
Patrick Murphy  
Constance Bachman

**Others Present**

Sharon Winters  
Lorraine Bergman  
Mary Ann Modzelewsla  
Mike Wright  
Rick Redpath  
Sean Wood

### **CASES**

- Case No.: ZA07-060
- Location: 430 West Guadalupe Road
- Subject: Requesting a Development Incentive Permit (DIP) to allow the development of an office use in the C-2 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. Compliance with all requirements and conditions of approval for case Z07-13.*
  - 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: Applicant did not show up for hearing. Mr. McVay presented a staff report and recommendation. Mr. Gendron was comfortable making a decision on the request based on the staff recommendation.
- Finding of Fact:
- The Development Incentive Permit (DIP) allows deviations from current development standards related to landscape setbacks from the west and south property lines, foundation base, landscaping, and separation between building columns and drive aisle related to the development of an approximately 26,000 square foot office building.
  - The subject site is eligible for review of a DIP. The site is approximately 1.5 acres and has been in the current configuration for more than 10 years. The site is served by, or has direct access to, existing utility system. The total developable land area within 1,200

**City of Mesa**  
**Zoning Administrator Minutes**  
**July 3, 2007**

feet is not more than 25 percent vacant and greater than 50 percent of the lots within 1,200 feet have been developed for more than 15 years.

- The proposed use is consistent with the General Plan designation of Neighborhood Commercial and is a permitted use in the C-2 zoning district.
- The deviations are necessary to accommodate the proposal and will result in a development that is commensurate with existing development in the vicinity.
- The architectural elements and landscape plan are the subject of a Design Review Board case scheduled for July 2007, has been through a Design Review Board work session, and will meet the intent of the Design Guidelines of the Zoning Ordinance.
- The subject site plan received the review and approval of the Planning and Zoning Board and City Council through case Z07-13.

\* \* \* \* \*

**City of Mesa**  
**Zoning Administrator Minutes**  
**July 3, 2007**

Case No.: ZA07-050TC

Location: 0 through 310 block of West Main Street, 0 through 10 block of North MacDonald, 0 through 40 block of South MacDonald, 0-15 block of North Robson, and 0-40 block of South Robson

Subject: Requesting a Special Use Permit to allow outdoor temporary and/or peddler merchandising on public property in the TCC zoning district.

Decision: Approved with the following conditions.

1. *No materials may be placed upon any of the City's street furniture, which includes pedestrian light poles, street light poles, tables, benches, and trash cans.*
2. *Materials may not obstruct/impede pedestrian or vehicular flow of traffic.*
3. *No additional signage is allowed.*
4. *The area encompassed within the Special Use Permit will be kept neat/clean and hazard free during "Friday Night Out" event hours. In addition, the event area shall be neat and clean following each monthly event.*
5. *Materials will be removed from the sidewalk at the close of the "Friday Night Out" event.*
6. *Vendors shall be advised that they may park in Main Street parallel parking spaces long enough to unload their merchandise, but shall then immediately move their vehicles and park in one of the four surface parking lots behind the Main Street Colonnade area (the Drew Lot, the Mahoney Lot, the Pepper Lot, or the Macdonald Lot).*
7. *All building, fire safety, and tax and licensing regulations of the City of Mesa shall be adhered to.*
8. *Compliance with the site plan, and narrative, which includes the Good Neighbor Policy, shall be maintained.*
9. *A Certificate of Insurance for \$2,000,000 and a hold-harmless agreement shall be in effect for the term of the permit.*
10. *Only a washable chalk or removable tape shall be used to outline the location of the vendor area on the sidewalk.*
11. *The City reserves the right to make necessary adjustments to the Special Use Permit or the site plan to ensure pedestrian safety and that the landscaping is properly maintained.*

Summary: Mr. Murphy Stated DDC recommended approval with the condition of signs attached to each display of six square feet.

Finding of Fact:

- The "Friday Night Out" events should not have a detrimental impact on the surrounding properties.
- The "Friday Night Out" events are consistent with the Redevelopment Plan, and Town Center Concept Plan, and are compatible with the surrounding properties.
- The "Friday Night Out" events should help promote and showcase downtown merchants by encouraging increased pedestrian traffic downtown.

**City of Mesa  
Zoning Administrator Minutes  
July 3, 2007**

- The “Friday Night Out” events will enhance the downtown area, and is in compliance with previously established downtown plans.

\* \* \* \*

**City of Mesa  
Zoning Administrator Minutes  
July 3, 2007**

Case No.: ZA07-066

Location: 1455 West Southern Avenue

Subject: Requesting a Special Use Permit to allow a special event to exceed four days in the C-2 zoning district.

Decision: Continued to July 10, 2007

Summary: N/A

Finding of Fact: N/A

\* \* \* \*

**City of Mesa**  
**Zoning Administrator Minutes**  
**July 3, 2007**

Case No.: ZA07-067

Location: 2009 North Stapley Drive

Subject: Requesting a variance to allow a reduction of the minimum foundation base entry plaza requirement to facilitate the development of a retail store in the C-2 zoning district.

Decision: Approved with the following conditions.

1. *Compliance with the site plans submitted, except as modified by the conditions below.*
2. *A minimum ten-foot (10') wide foundation base shall be provided along the south building elevation.*
3. *The variance 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: Rick Redpath represented the variance request. Mr. Gendron discussed the request with the applicant and staff. Mr. Hash provided a staff report and recommendation noting the foundation is almost twice the area of the required entry plaza but it is not in the correct configuration. Mr. Gendron noted the unique conditions associated with the request and compliance with the intent of the Ordinance requirement in his approval.

Finding of Fact:

- The variance allows modification of the required foundation base entry plaza and foundation base width adjacent to parking stalls for the Tesco Fresh and Easy Market. Current Code requires a 30' x 30' foundation base entry plaza for buildings larger than 10,000 square feet and a 10' wide foundation base along exterior walls without a public entrance adjacent to parking stalls. The applicant has proposed a 20' x 87' entry plaza and an 8' wide foundation base adjacent to parking.
- The subject site plan has been reviewed and approved by the Design Review Board through case DR07-45. As a condition of approval, the Design Review Board required the approval of variances to address deviations to the foundation base requirements or modification of the site plan to comply with Code requirements.
- The proposed entry plaza is 20' x 87' provides 1,740 square feet of foundation base, where compliance with current Code requirements would provide 900 square feet. The proposal would provide sufficient area to function as an entry plaza.
- The depth of the parcel combined with current Code requirements related to setbacks and landscaping present a unique condition that requires the 30'x30' entrance plaza to be modified to accommodate necessary drive aisle width, on-site parking, and emergency access lanes.
- Strict Compliance with current Code requirements would deprive the applicant from developing the parcel for the use of a Fresh and Easy Grocery Store. The applicant is meeting the intent of the Code requirement of providing a larger entry plaza for larger

**City of Mesa**  
**Zoning Administrator Minutes**  
**July 3, 2007**

buildings while the orientation to best accommodate the site and provide safe access to patrons entering the store.

- A reduction in foundation base width adjacent to parking stalls has not been justified by the unique condition of lot depth. Compliance with Code requirements can be accommodated without affecting drive aisle width, on-site parking, or emergency access lanes through the provision of 16-foot deep parking spaces with a two-foot overhang into a 10-foot wide foundation base.
- While not justification for a variance it is important to note that the, site complies with all other Code requirements and the requested alteration of the entry plaza is relatively small and would have minimal impact or detrimental effect on neighboring properties.

\* \* \* \*

**City of Mesa**  
**Zoning Administrator Minutes**  
**July 3, 2007**

Case No.: ZA07-068

Location: 602 West University Drive

Subject: Requesting variances to: 1) allow the maximum depth of water in a retention basin to exceed three feet six inches (3' 6"); 2) allow retaining walls to exceed 25% of a retention basin perimeter; and 3) eliminate the minimum landscape requirement within a retention basin; all in association with an existing wedding reception center in the O-S zoning district.

Decision: Approved with the following conditions.  
*1. Compliance with the site plans submitted with the additions listed below:*  
*2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Mr. Wright represented the variance request, explaining the city approved the configuration of the original grading and drainage plan but when doing there addition the City of Mesa recalculated the retention measures and included the flow numbers on Day St, which made the retention on site excessive. Mr. McVay states the original retention requirements were met in 1995 and that the new code requirements changed the standard with regards to slope and depth. Mr. Wright explains that he grew up in this location and that historically this property has never flooded.

Finding of Fact:

- The variance allows a parking area for the Wright House wedding and reception center to also serve as on-site storm water retention. The parking/retention area has existed in the current configuration since 1995.
- Viewed as parking only, the area complies with Zoning Ordinance requirements. Viewed as retention only, the area deviates from Code requirements related to depth, landscaping, and amount of retaining walls. Viewed as parking and retention, is a unique circumstance not addressed by the Code.
- In 2001 the applicant purchased an adjacent property and constructed a reception hall. As a result of that addition, the applicant was notified that full compliance with the 2003 IBC requirements was required and compliance with current Zoning Ordinance provision related to retention basins would also be required.
- Engineering calculations demonstrate that the water runoff of the sub-division that is located directly adjacent to the north is much less then the current retention capacity supplied by that retention area. Existing drywell systems that are in place sub grade in the retention area will be able to fully retain large amounts of runoff that would result in depth actual depths of less then 3.5 feet.
- The strict application of the Zoning Ordinance would require fully demolishing the parking lot and re-grading the area to raise the lowest section six inches. The City of Mesa Engineering Department is prepared to waive the requirement to reconfigure the parking lot once calculations were revised to take into account the run-off capacity from Date Street, provided a variance is approved.

**City of Mesa**  
**Zoning Administrator Minutes**  
**July 3, 2007**

- While not justification for a variance it is important to note that the, lot complies with all other Code requirements and the requested Retention area depth deviation is relatively small, was originally accepted by the City of Mesa in 1995 and would have minimal impact or detrimental effect on neighboring properties.

\* \* \* \*

**City of Mesa**  
**Zoning Administrator Minutes**  
**July 3, 2007**

Case No.: ZA07-069

Location: 242 South El Dorado Circle

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing office use in the M-1 zoning district.

Decision: Continued to July 10, 2007

Summary: N/A

Finding of Fact: N/A

\* \* \* \*

There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:45 p.m.

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

Respectfully submitted,

John S. Gendron  
Hearing Officer

jm  
G:ZA/Minutes/2007/070307.doc