

Zoning Administrator Hearing

Minutes



**John S. Gendron
Zoning Administrator/Hearing Officer**

July 17, 2012 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Jeff McVay
Lesley Davis
Wahid Alam
Kaelee Wilson

Others Present

Tyrel Foster
Shawn Smith

CASES:

Case No.: ZA12-003

Location: 507 West 6th Drive

Subject: Requesting a variance to allow a room addition to encroach into the required side yard in the RS-6 zoning district. (PLN2012-00179)

Decision: Continued to July 31st, 2012 hearing.

Summary: Due to the applicant being absent, the case was not discussed.

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Case No.: ZA12-004

Location: 1455 West Southern Avenue

Subject: Requesting a Special Use Permit (SUP) to allow modification of an existing comprehensive sign plan allowing more than the maximum number of attached signs for a new restaurant located at 1434 South Alma School Road in the Limited Commercial (LC) zoning district. (PLN2012-00230)

Decision: Approved with the following conditions:

1. *Compliance with the CSP, site plan and elevations submitted except as modified by the conditions below.*
2. *Compliance with all conditions of DR12-17 (PLN2012-00090) and Administrative Review of the site plan except as modified by this request.*
3. *The exposed LED light shall require Design Review Board approval prior to sign permit request.*
4. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Summary: Shawn Smith represented the case and stated he agreed with staff's recommendation. Staff member Wahid Alam presented the staff report. Mr. Alam stated the proposed sign area is greater than allowed in the LC district but the applicant is forgoing the permitted monument sign. Mr. Gendron explained to the applicant if in the future they decide to add a monument sign, they would have to come through this process again.

Finding of Fact:

1. This approved request involved the review of a Special Use Permit for the modification of a Comprehensive Sign Plan (CSP) on an existing pad site located on the Fiesta Mall Shopping Center at the northwest corner of Alma School and Fiesta Mall drive aisle. In April 2012, this applicant requested Design Review and Admin Site Plan Review (DR12-017) for the proposed Longhorn Steakhouse at this location. Both were approved with conditions.
2. The applicant for the proposed Longhorn Steakhouse restaurant was approved for five attached signs and no monument sign along Alma School Road for a total sign area of 232.86 sq.ft. Two are proposed facing Alma School, one 32 inch tall internally illuminated channel letters for 53.29 sq.ft. and another a logo for 19.7 sq. ft for a total of 72.99 sq. ft. One 32 inch tall internally illuminated channel letters for 53.29 sq.ft. is proposed for all other three sides of the building for a total of 159.86 sq. ft. Since the proposed attached sign (53.29 sq. ft) on the rear/west elevation facing the Mall is not visible from public street, it is not counted toward the allowable sign area. Therefore a total of only (232.86-53.29) 179.57 sq. ft of attached signs are proposed for code purposes.

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3. Per current code, the proposed Longhorn Steakhouse is allowed three attached signs not to exceed 160 sq.ft of total sign area. Therefore the applicant is requesting to exceed total attached sign area by (179.57-160) 19.57 sq. ft. , and number of attached signs from three to four.
4. A Special Use Permit (SUP) was approved in September 1990 (BA90-050) to modify the original Comprehensive Sign Plan (CSP) for the Fiesta Mall, which was approved in the mid 70's. The SUP case# BA90-050 approved the following signs:
 - (a) 5 monument signs, each 6 feet tall and 31.5 sq.ft. in area, of which two are along Alma School, two are along Longmore, and one along Southern Avenue.
 - (b) One 60 sq. ft. identification sign on parking garage structure.
 - (c) Four entry towers at the mall entrances each upgraded from 37'-8" to 54 feet height.
5. Another Special Use Permit (SUP) was approved in November (ZA03-085) to modify the Comprehensive Sign Plan for the Fiesta Mall. This 2003 sign plan allowed additional primary mall entry/id monument sign 120 sq. ft. along Alma School and replaced a Southern Avenue sign with a smaller secondary monument sign. Another request to modify the Comprehensive Sign Plan as part of an overall renovation of the Fiesta Mall in 2007 was approved. This 2007 sign plan specified a smaller monument sign at 46 sq. ft. and 12 feet tall (120 sq. ft. for 12 feet tall had been approved for this location previously). Later, a request for administrative review was submitted for three attached signs with an aggregate sign area of 450 sq. ft. for Best Buy and four attached signs with an aggregate sign area of 550 sq. ft. for Dick's Sporting Goods. The Administrative Review was approved on November 16, 2007 for seven attached signs with an aggregate sign area of 915 square feet.
6. The approved attached signs for Longhorn Steakhouse are proportional to the elevations, and are consistent with the number and size of signs used elsewhere on the Fiesta Mall site.
7. The Design Review Board considered the elevations and landscape plan design at the April 4, 2012 work session. Also a request for administrative review of the site plan modification was approved with conditions.
8. The subject site is 0.36 acres and is zoned LC. It has frontage on an arterial street and is surrounded by other commercial uses. To the north is an existing parking lot shared with an existing IN-N-OUT drive-thru restaurant and to the west is the parking field of Fiesta Mall shopping center.
9. The approved modifications to the CSP in conjunction with the recommended conditions ensure that signage at the Longhorn Steakhouse will be compatible with, and not detrimental to, surrounding properties.

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- Case No.:** ZA12-005
- Location:** 1958 East Brown Road
- Subject:** 1) Requesting a variance to allow a detached monument sign to be located within the future right-of-way; and 2) a variance to allow a detached monument sign to exceed the maximum sign area allowed, both in the Limited Commercial (LC) zoning district. (PLN2012-00247)
- 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.*
 3. *Compliance with ordinance standards for the number of signs, height and sign area allowed for the LC zoning district.*
 4. *Placement of the monument sign within the future right of way line on both Brown and Gilbert Roads is subject to a sign agreement.*
- Summary:** Tyrel Foster represented the case and stated he had no additional comments. Staff member Lesley Davis presented the staff report. Mr. Gendron asked the applicant to clarify the request for an increase in height and area. Tyrel stated he spoke with staff prior to the hearing and would like to have two separate signs, not an increase in height or area. In doing so, part two of the request stating, "a variance to allow a detached monument sign to exceed the maximum sign area allowed, both in the Limited Commercial (LC) zoning district." was withdrawn by the applicant. Mr. Gendron asked staff if the sign was in the future right of way or the future width line. Staff member Lesley Davis stated it is located within the future width line. With this correction, request one now reads, "requesting a variance to allow a detached monument sign to be located within the future width line". Staff member Lesley Davis stated staff would support two signs that are fifty feet apart at this location. Mr. Gendron told the applicant he would have to sign an agreement stating if the road were to be widened in the future, the owner would be responsible for all expenses involved in moving the sign.

Finding of Fact:

1. As approved, the sign structure in the location proposed and the proposed square footage requires the granting of a variance. The Zoning Administrator must find the following items are present to approve a variance:
 - a) *There are special conditions that apply to the land or building.*
 - b) *The special condition was pre-existing and not created by the property owner.*
 - c) *That strict compliance with the Code would deprive the property of privileges enjoyed by other properties in the same zoning district.*

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d) The variance would not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.

2. The applicant was approved for a variance to allow the monument sign to be located in the future right-of-way width line. The existing right-of-way is 45-feet north of the center line on Brown Road and 55-feet west of the center line on Gilbert Road. The future right of way width line is located at 65-feet north of the center line along Brown Road and 75-feet west of the centerline along Gilbert Road. The proposed sign location would allow the sign to be located 6-foot from the existing right of way on Gilbert Road (55-foot existing) and 11-feet from the existing right of way (45-foot existing) on Brown Road. This creates a 14-foot encroachment along Gilbert Road and a 9-foot encroachment along Brown Road.
3. The applicant also requested a variance for the sign area to allow the proposed sign to exceed the maximum allowed in the LC district. The Zoning Ordinance would allow one 80 square-foot, 12-foot high sign along each street frontage. The Zoning Ordinance would also allow copy on both sides of the sign, so that if it were placed properly, the sign could be viewed from both sides and still only be counted as one sign. The applicant is proposing a 12-foot high sign that is angled at approximately 110 degrees with sign copy on each face visible from the street. Due to the design of the proposed sign and rules of measurement for calculating sign area (Zoning Ordinance Section 11-41-5, see below) the entire sign area on both faces would have to be counted. Therefore, the proposed sign area is 146 square-feet, which substantially exceeds code.
4. As justification for the approved variance for the encroachment into the future width line, the applicant has noted: 1) The leading edge of the monument sign, if located out of the future-width-line, would push the leading edge of the sign about 10' into the parking lot. 2) The site was developed with the minimum number of parking spaces and could not lose any spaces to accommodate a sign. 3) The location of the sign in the parking area would push the sign too far away from the street. 4) The signs on the other corners of the intersection are located in close proximity to the street, similar to the proposed location for this site.
5. Justification was not provided for the withdrawn variance to exceed the sign area in the LC District. Staff does not see sufficient justification to support this variance and have recommended a condition of approval that the site comply with code requirements for the height and sign area.
6. In regard to the approved encroachment into the future width line, staff has confirmed with the City of Mesa Engineering Department that the intersection of Gilbert and Brown Roads is not scheduled as a Capital Improvement Project (CIP) to widen the intersection in the next 10 years.
7. The applicant has notified all property owners within 500-feet of the site. To date staff has not received any comments or concerns from neighboring property owners concerning this request.

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Case No.: ZA12-006

Location: 2401 South Lansing

Subject: Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height permitted in the RS-7-PAD zoning district. (PLN2012-00243)

Decision: Withdrawn by applicant.

Summary: This case was withdrawn and not discussed on an individual basis.

There being no further business to come before the Zoning Administrator, the hearing adjourned at 1: 55 p.m.

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

Respectfully submitted,

Gordon Sheffield
Zoning Administrator/Hearing Officer

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