

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 January 16, 2007

TIME 1:30 P.M.

Staff Present

Gordon Sheffield
Jeff McVay
Jim Hash
Lena Butterfield
Patrick Murphy

Others Present

Reese Anderson
Dan Brock
Michelle Dahlke
Steve Stumpfe

CASES

Case No.: ZA07-001TC

Location: 10 West Main Street

Subject: Requesting a Special Use Permit (SUP) to allow outdoor seating in the TCC zoning district.

Decision: Approved with conditions

Summary: Mr. Murphy explained that the applicant is agrees with the staff recommended conditions of approval. Additionally, the new restaurant has received many positive comments. Mr. Gendron pointed out that the high quality of the seating is a positive addition to the downtown area and approved the case with the following conditions:

- 1. All tables and chairs shall be removed during non-operating hours.*
- 2. All tables and chairs shall be placed in the outdoor seating area as shown on plans and no more than six tables shall be used at one time.*
- 3. The approved area must be kept clean and free of debris or sidewalk stains at all times.*
- 4. A clear sidewalk pathway of six feet (6') shall me maintained at all times, for clear pedestrian access.*

City of Mesa
Zoning Administrator Minutes
January 16, 2007

5. The applicant shall submit a valid certificate of insurance to the Town Center Development Office annually.

6. The SUP shall expire in Posh Nosh vacated the property.

Finding of Fact: The outdoor seating will be compatible with and not detrimental to the surrounding neighborhood.

* * * * *

City of Mesa
Zoning Administrator Minutes
January 16, 2007

Case No.: ZA06-002

Location: 6400 block of South Mountain Road

Subject: Requesting variances to allow 1) a reduction in building and landscape setbacks along the south property line; 2) a reduction in the landscape setbacks along the north and east property lines; 3) a reduction in the total landscape plantings along the north, east and south property lines; 4) the elimination of the screen wall requirement along the north property line; 5) the elimination of the paving requirement; and 6) a reduction in foundation base requirements all in conjunction with an industrial use in the M-2 zoning district.

Decision: Approved with conditions

Summary: Mr. Anderson explained that his client is in agreement with all of the staff recommended conditions of approval except the provision of a five-foot wide foundation base. The required foundation base would be located behind a secure area used only by employees. The foundation base would require unneeded expenses.
Mr. Brock explained that the foundation base in this case is not a necessary part of the design of the site.
Mr. Anderson explained that the variances that are requested are justified because the proposed alignment for the Williams Gateway Freeway is likely to take a large portion of the parcel.
Mr. Brock explained that the neighbors support the project.
Mr. McVay explained that special circumstances do apply to the property because of the potential of the freeway to develop and take a large portion of the parcel. Additionally, the foundation base behind the secured area is for aesthetic reasons and would only be viewed by employees.
Mr. Gendron approved the case with the following conditions:
1. Compliance with the submitted plans, except as modified by the conditions below.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.
3. In the event that the Williams Gateway Freeway is not constructed, the six-foot (6') chain link perimeter fence shall be replaced with a six-foot (6') CMU decorative block wall in compliance with Mesa City Zoning Ordinance.
4. In the event that the Williams Gateway Freeway is constructed in the current alignment the applicant shall ensure that the southern portion not included in the right of way will meet all required on-site storm water retention requirements.

City of Mesa
Zoning Administrator Minutes
January 16, 2007

Finding of Fact:

1. The proposed alignment of the Williams Gateway Freeway will potentially take away a considerable amount of the parcel.
2. The location of the foundation base proposed to be eliminated would be located within an employee only area not visible from public right-of-way.
3. The project will be compatible with and not detrimental to surrounding properties.

* * * *

There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:03 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card 2, Track 30.

Respectfully submitted,

John S. Gendron
Hearing Officer

lb
G:ZA/Minutes/ZAM