



# Zoning Administrator Hearing

## **Minutes**

Mizner Conference Room  
Mesa City Plaza Building, Suite 130  
20 East Main Street  
Mesa, Arizona, 85201

### Draft

**John Gendron**  
**Hearing Officer**

**DATE** February 26, 2008

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

**Staff Present**

Jeff McVay  
Brandice Elliott  
Constance Bachman  
Patrick Murphy

**Others Present**

Linda Laramie  
Jane Hansen  
Richard Gurtler  
Stephanie Rozie  
Mark Fratle  
Liz Longeliere  
Jordan Wendt  
Doug Atkins  
David Ross

**CASES**

Case No.: ZA08-004TC

Location: 453 North Pima

Subject: Requesting: 1) a Special Use Permit (SUP) to allow general offices within a level 1 historic structure; and 2) a variance to eliminate the covered parking requirement; both in the TCR-2 zoning district.

Decision: **Approved with conditions**

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Case No.: ZA08-017

Location: 64 North 63<sup>rd</sup> Street #8

Subject: Requesting a Minor Modification of a PAD to allow a patio addition to encroach into the rear setback in the R-2-PAD zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-017 was approved with the following conditions:

1. Compliance with the site plan submitted 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.

Findings:

- The townhome development of “Villas Tuscany” was approved by City Council February 21, 1995. The approved rear setback for this subdivision is 15-feet; however, covered patios attached to units 1 through 18 may have a depth of 6-feet resulting in a rear setback of 9-feet.
- The applicant has constructed a sunroom that encroaches into the rear setback 8-feet, resulting in a setback of 7-feet, 2-feet greater than approved by the original PAD.
- The applicant notes in the narrative that there are other homes in the subdivision that have patio covers extending 9-feet into the rear yard, resulting in a setback of 6-feet. In addition, many of the properties have been developed in a similar manner to include open patios. The applicant has received written support from the Homeowner’s Association to proceed with the proposed modification.
- The sunroom would be modified, if necessary, to comply with the Building Code definition of “open patio,” and the applicant would be required to obtain a building permit for the existing structure.
- Open patios were originally permitted to encroach into the rear yard to provide an asset to residents where other amenities were limited, such as open space or common use facilities (reference Z94-076). While open patios on some lots are limited to a setback of 9-feet, other properties are permitted a reduced setback of 7-feet. Therefore, the requested encroachment into the rear setback is in keeping with the original intent of the PAD overlay.

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Case No.: ZA08-018

Location: 64 North 63<sup>rd</sup> Street #33

Subject: Requesting a Minor Modification of a PAD to allow a patio addition to encroach into the rear setback in the R-2-PAD zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-018 was approved with the following conditions:

1. Compliance with the site plan submitted 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.

Findings:

- The townhome development of “Villas Tuscany” was approved by City Council February 21, 1995. The approved rear setback for this subdivision is 15-feet; however, covered patios attached to units 1 through 18 may have a depth of 6-feet resulting in a rear setback of 9-feet.
- The applicant has constructed a sunroom that encroaches into the rear setback 8-feet, resulting in a setback of 7-feet, 2-feet greater than approved by the original PAD.
- The applicant notes in the narrative that there are other homes in the subdivision that have patio covers extending 9-feet into the rear yard, resulting in a setback of 6-feet. In addition, many of the properties have been developed in a similar manner to include open patios. The applicant has received written support from the Homeowner’s Association to proceed with the proposed modification.
- The sunroom would be modified, if necessary, to comply with the Building Code definition of “open patio,” and the applicant would be required to obtain a building permit for the existing structure.
- Open patios were originally permitted to encroach into the rear yard to provide an asset to residents where other amenities were limited, such as open space or common use facilities (reference Z94-076). While open patios on some lots are limited to a setback of 9-feet, other properties are permitted a reduced setback of 7-feet. Therefore, the requested encroachment into the rear setback is in keeping with the original intent of the PAD overlay.

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Case No.: ZA08-019

Location: 3511 East Pearl Circle

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

Decision: **Continued to the March 11, 2008 meeting.**

Summary: The applicant requested to continue case ZA08-019 to the March 11, 2008 Zoning Administrator Hearing.

Findings: N/A

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Case No.: ZA08-020

Location: 5151 East Broadway Road

Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan in conjunction with a multi-tenant office building in the C-1 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA 08-020 was approved with the following conditions:

1. Compliance with the sign plan submitted, except as modified by the conditions listed below.
2. Tenants shall be allowed one attached sign per building elevation, for a maximum of three (3) attached signs.
3. Tenants shall be allowed a maximum aggregate attached sign area of one hundred-sixty square feet (160 s.f.), based on two square feet (2 s.f.) sign area per one (1) lineal foot of the longest single tenant frontage.
4. Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.

The applicant requested that the tenant sign regulations be withdrawn from case.  
 Jeff McVay and Brandice Elliott clarified that there was no need for the tenant sign regulations to be included as additional stipulations.  
 John Gendron approved case ZA08-020 with staff recommendations.

Findings:

The applicant's request, Code requirements, and staff recommendations are shown in the table below.

Attached Signs

	<b>Code Sign Area Maximums</b>	<b>Code Maximum Number of Signs</b>	<b>Proposed Maximum Sign Area</b>	<b>Proposed Maximum Number of Signs</b>	<b>Staff Recommendation</b>
Attached Signs	2.0 s.f./ 1 lineal feet of tenant building frontage (Max. 160 s.f. aggregate)	< 100 feet building frontage – 2 signs > 100 feet building frontage – 3 signs	Aggregate sign area not specified	1 sign per elevation per tenant space	1 attached sign per tenant elevation, not to exceed 3 signs per tenant – Max 160 s.f. aggregate sign area per tenant space (2.0 s.f./ 1 lineal feet of tenant building frontage)

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Detached Signs

Street	Frontage	Code Aggregate Sign Area	Code Aggregate Sign Height	Proposed Sign Area/Height	Staff Recommendation
<b>Broadway Road</b> Proposing 1 sign	192 feet	80 s.f.	12 feet	55 s.f. / 9 feet	As proposed
<b>Higley Road</b> Proposing 0 signs	242 feet	80 s.f.	12 feet	- -	As proposed

- This professional office building is zoned C-1. The subject building includes a total of seven leaseable spaces. Based on the configuration of the lease spaces, certain tenants have the potential of having three building elevations. Given the size of the building and the tenant spaces (largest being 80 feet wide), current Code would not allow more than two attached signs per tenant. The applicant is requesting the flexibility to allow tenants with a third elevation, a third sign.
- The applicant has not provided a maximum aggregate attached sign area by tenant space. Rather, the applicant has identified potential sign areas based on the building elevations in relation to suites. The primary request for three signs relates to Suite 101. Based on the sign areas, the proposed CSP would allow three signs with an aggregate attached sign area of 236.4 square feet.
- The applicant has provided sufficient justification to warrant an additional attached sign for those tenant suites with three building elevations. The applicant has not, however, provided justification to support an increase in the aggregate attached sign area. In fact, the size of the suites and the proximity of the building to both Broadway and Higley Roads allow much greater visibility of signage. Recommended conditions of approval limit aggregate attached sign area to 160 square feet, based upon 2 square feet of sign area per 1 lineal foot of tenant frontage.

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Case No.: ZA08-021

Location: 1040 South Lebaron Street

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of an assisted living facility in the R-4 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA 08-021 was approved with the following conditions:

1. Compliance with the site plan submitted except as modified by the conditions below.
2. Provision of two (2), minimum fifteen (15) gallon trees and eight (8) shrubs in sizes consistent with §11-15-3(c) within the landscape setback adjacent to the north property line, in addition to the landscaping identified on the landscape plan.
3. Provision of two (2), minimum fifteen (15) gallon trees and eleven (11) shrubs in sizes consistent with §11-15-3(c) within the landscape setback adjacent to the south property line, in addition to the landscaping identified on the landscape plan.
4. Provision of fifty-two (52) shrubs in sizes consistent with §11-15-3(c) within the landscape setback adjacent to the east property line, in addition to the landscaping identified on the landscape plan.
5. Provision of forty-five (45) shrubs in sizes consistent with §11-15-3(c) within the landscape setback adjacent to the west property line, in addition to the landscaping identified on the landscape plan.
6. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- This request involves an existing Assisted Living Facility that is comprised of four separate buildings. The applicant is proposing to connect all the buildings via three enclosed hallways in addition to a 247-square foot family room and 1,610-square foot dining room. The purpose of these additions is to tie the existing buildings together, allowing them to function as one building to provide better access to tenants and improve circulation for the staff.
- The request for a Substantial Conformance Improvement Permit (SCIP) would provide deviations from current Code related to building and landscape setbacks, and foundation base.
- A variance for required parking spaces was approved in 1985 (reference case BA85-108). Per this approval, the development is required to have 8 parking spaces, all of which are shown on the proposed site plan.

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- As justification for the requested SCIP, the applicant has noted that the facility was originally constructed in 1988. As a new Code has since been adopted with amendments, this site does not comply with current Code requirements. Given the number of nonconformities within the site, demolition or significant modification would have to ensue to bring the site into compliance with current Code requirements.
- As this is an older site, the existing landscape consists of turf and mature trees to include eucalyptus, long needle pine, ficus, and palm. This landscaping serves as a buffer between the existing industrial uses located adjacent to the west property line.
- A summary of Code requirements, the applicant's proposal, and staff recommendation is shown in the table below in regards to the existing building.

	<b>Code Requirement</b>	<b>Applicant Proposed</b>	<b>Staff Recommended</b>
Building/Landscape Setbacks			
North	20'	7'	As proposed
South	15'	10'	As proposed
Lebaron	20'	20'	As proposed
West	15'	15'	As proposed
Foundation Base			
Adjacent to parking (no public entrance)	10' south elevation	0'	As proposed
Exterior walls with public entrance	15' east elevation adjacent to reception	0'	As proposed
Exterior walls adjacent to parking	10' north, west, and south elevation	Minimum 2'	As proposed
Landscape			
North	2 trees/8 shrubs	0 trees/0 shrubs	2 trees/8 shrubs
South	2 trees/11 shrubs	0 trees/0 shrubs	2 trees/11 shrubs
East	16 trees/64 shrubs	9 trees/12 shrubs	9 trees/64 shrubs
West	15 trees/60 shrubs	13 trees/15 shrubs	13 trees/60 shrubs

- While the applicant's proposed site modification offers connectivity within the site, it does not offer significant improvements to the site that might bring it closer to compliance with current Code. As a result, it is recommended that additional landscaping be provided adjacent to all property lines that remain consistent with current Code requirements.
- Given the maturity of the existing landscape, each existing tree is equivalent to four fifteen-gallon trees. As a result, no additional trees are required in the landscape setback adjacent to the east and west property lines.
- Landscaping in addition to that provided should include the following: 2 trees and 8 shrubs adjacent to the north property line; 2 trees and 11 shrubs adjacent to the south property line; 0 trees and 52 shrubs adjacent to the east property line; 0 trees and 45 shrubs adjacent to the west property line.

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- Full compliance with current Code requirements would result in the removal of existing parking spaces to accommodate increased setbacks and foundation base. In addition, increased setbacks adjacent to the north and south property lines would result in partial demolition of the existing buildings.
- The site plan submitted, including staff recommended conditions of approval, provides substantial conformance with current Code requirements that justify the requested SCIP. Additionally, the proposed use and improvements will be compatible with, and not detrimental to, adjacent properties in the area.

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Case No.: ZA08-022

Location: 1850 West Southern Avenue

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow a patio addition to a restaurant in the C-2 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA 08-022 was approved with the following conditions:

1. Compliance with the site and landscape plans submitted, except as modified by the conditions below.
2. Provision of an additional two (2), twenty-four inch (24") box size or larger trees within the landscape area adjacent to Southern Avenue.
3. Provision of a minimum five-foot (5') wide foundation base adjacent to the south and east sides of the outdoor patio and a minimum ten-foot (10') wide foundation base adjacent to the north side of the outdoor patio.
4. The existing nonconforming detached sign shall be brought into conformance with current Code requirements through the provision of a full monument base that incorporates architectural features of the building.
5. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- The requested Substantial Conformance Improvement Permit (SCIP) would allow the addition of a 1,078 square foot patio addition to an existing restaurant building. The applicant has requested a SCIP to allow the expansion of an existing nonconforming site without bringing the entire site into conformance with current development standards. While on a separate parcel the restaurant is part of an overall group commercial development that includes several commercial buildings.
- A summary of Code requirements, the applicant's proposal, and staff recommendation is shown in the table below in regards to the existing building.

	Code Requirement	Applicant Proposed	Staff Recommended
Landscape Setback			
Southern Avenue	30'	7'	As proposed
North Property Line	15'	10'	As proposed
East Property Line	N/A cross access	--	--
West Property Line	N/A cross access	--	--
Foundation Base – existing building			
North elevation	10'	7"	As proposed
South elevation	5'	12'	As proposed
East elevation	15'	7' - 18'	Min 10' adjacent to entrance
West elevation	10'	18'	As proposed
Foundation Base – outdoor patio			
North elevation	10'	5'	10'
South elevation	5'	5'	5'
East elevation	5'	5'	5'

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- As justification for the request, the applicant has noted: 1) the interior improvements being made; 2) the provision of landscaping along the north property line; 3) the maintenance of retention areas and sufficient on-site parking; 4) provision of additional parking lot landscape islands; and 5) provision of berming to screen parking along Southern Avenue.
- It is important to further note that compliance with current Code development standards would result in the elimination of parking along Southern Avenue, adjacent to the north property line, and adjacent to the building, totaling approximately 48 spaces. The existing restaurant requires a total of 43 spaces, where a total of 66 spaces currently exist. Compliance with current developments standards would require the elimination of parking spaces significantly below that required for the existing restaurant.
- In an effort to improve site conformance to current development standards the site plan identifies the provision of a new parking lot landscape planter within the parking row adjacent to the west building elevation and the parking row adjacent to the north property line. The site plan further identifies the provision of new landscape plant materials within the landscape area adjacent to the north property line and new parking lot landscape islands.
- To provide increased conformance with current Code development standards, conditions of approval have been included related to landscaping adjacent to Southern Avenue and foundation base. The provision of two additional 24-inch size or larger box trees will improve compliance with landscape requirements adjacent to arterial streets consistent with the intent of current Code requirements. The provision of foundation base adjacent to the proposed outdoor patio consistent with current Code requirements can be obtained with minimal modification of the proposed site plan. Specifically, a five-foot wide foundation base should be provided adjacent to the south and east side of the patio and a ten-foot foundation base should be provided adjacent to the north side of the patio.
- The requested SCIP does not permit the continued use of nonconforming detached signs. The subject site includes a nonconforming detached sign (no monument base) that must be brought into conformance with current Code requirements prior to the issuance of a certificate of occupancy for the outdoor patio. Conformance can be accomplished through the provision of a full monument base that draws architectural features from the restaurant building.
- The site plan submitted allows the expansion of an existing restaurant and represents a reinvestment in an older area of the City while providing compatibility with the intent of the Zoning Ordinance. Based on the proposed site plan and recommended conditions of approval, the applicant has shown substantial improvement in compliance with current Code development standards. Additionally, the proposed use and improvements will be compatible with, and not detrimental to, adjacent properties in the area.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:24 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card, then burned to CD.

Respectfully submitted,

John Gendron  
Hearing Officer

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