

Zoning Administrator Hearing

Minutes



**John S. Gendron
Hearing Officer**

May 18, 2010 – 1:30 p.m.

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

Staff Present

Angelica Guevara
Tom Ellsworth
Mia Lozano-Helland

Others Present

Asvin Bhanvadia

CASES:

Case No.: ZA10-018

Location: 2751 East University Drive

Subject: Requesting: 1) a Development Incentive Permit (DIP); and 2) a Special Use Permit; both to facilitate the redevelopment of an automobile service station with a car wash in the C-2 zoning district. (PLN2010-00095)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *A minimum 5'-6" landscape setback shall be provided from the seventy-five foot (75') future right-of-way for University Drive.*
3. *A minimum 5'-6" landscape setback shall be provided from the sixty-five (65") future right-of-way for Lindsay Road north of the identified driveway entrance.*
4. *Foundation base landscaping shall be reduced by five-feet (5").*
5. *A Sign Agreement shall be required for any monument signs located within the public utilities and facilities easements adjacent to University Drive and Lindsay Road.*
6. *No structures or signs shall be allowed within the right-of-way to be dedicated with this development.*
7. *Future cross-access shall be provided to future developments to the south of the site.*
8. *Compliance with all requirements of the Design Review Board.*

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9. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.

Summary: Asvin Bhanvadia represented the case and summarized the request. Mr. Gendron asked the age of the development and also asked Mr. Bhanvadia for the scope of the project and if the original structure would be razed. A discussion ensued that clarified that a portion of the original footprint and two walls would remain. Mr. Gendron asked about the right-of-way dedications and the public utility facilities easements (PUFE). Staff member Tom Ellsworth clarified these items noting that right-of-way dedications would occur at a future date and the PUFE dedications would occur with this project. There was additional discussion regarding the car wash operation and possible noise issues. Mr. Gendron asked if staff had received any calls from the public regarding this case, Mr. Ellsworth responded no. There were no citizens present wishing to comment on this case. Mr. Gendron approved ZA10-018 with staff conditions.

Findings:

- 1.1** The current AM/PM convenience store and fueling station will be partially razed and rebuilt with an additional four fueling dispensers and a self-service automated carwash facility.
- 1.2** The applicant is meeting the setbacks currently approved for the existing DIP on the site with the exception of the building setback on the south property line. This request changes the building setback to 7' while increasing the landscape setback from the 5' 2" that was approved on the previous site plan.
- 1.3** The applicant dedicated a 20' PUFE along University Drive and a 10' PUFE along Lindsay Road with the understanding that these areas are within the future right of way line. No site improvements are allowed within the required dedications or PUFE's and a Sign Agreement is required for any monument signs within the PUFE's.
- 1.4** The project meets the minimum eligibility requirements for consideration of a DIP, including: 1) compliance with the definition of a by-passed parcel; 2) the development is consistent with the General Plan and is an allowed use within the C-2 zoning district; 3) the deviations are commensurate with surrounding development; 4) the deviations are necessary to allow development on the site; and 5) the development received initial approval of the Design Review Board for compliance with the intent of the Design Guidelines and staff reviewed minor modifications of that approval administratively.
- 1.5** Staff conditions of approval allow the redevelopment of a non-conforming site with a permitted use that improves conformance with the intent of current Code development standards.
- 1.6** The site currently has a SUP to allow a gas station. The site also received previous approval of a Special Use Permit to allow the redevelopment of the gas station with a car wash which expired May 7, 2008. This approval allows the applicant the ability to continue his efforts to redevelop the site in general.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:50 p.m.

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

Respectfully submitted,

John S. Gendron
Hearing Officer

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