



# 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** March 18, 2008

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

**Staff Present**

Jeff McVay  
Brandice Elliott  
Constance Bachman

**Others Present**

Doug Himmelberger  
Greg Lambright  
David Baeza  
Michael Landstad  
Morey Jones  
Walt McIver

**CASES**

Case No.: ZA08-026

Location: 101 South Lesueur Street

Subject: Requesting a variance to allow a fence to exceed the maximum height allowed in the front and street side yard setbacks in the TCR-2 and R-2 zoning districts.

Decision: Approved with conditions.

Summary: Case ZA08-026 was approved with the following conditions:

1. Compliance with the site plan submitted except as modified by the conditions below.
2. The twenty-three palm trees located in the area of the proposed parking lot shall be replaced or relocated on the campus.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- The applicant is proposing to install, in three phases, an 8-foot high fence along the perimeter of the property in order to provide a more secure environment for its patrons. The same fencing has already been installed adjacent to the south property line and portions of the east and west property lines. The proposed

**City of Mesa**  
**Zoning Administrator Minutes**  
**March 18, 2008**

decorative fence will match the existing one, and begin where the existing fence ends to encompass the entire site for the purpose of security.

- Current Code would allow a maximum fence height of 3'-6" adjacent to the north property line and within the 30-foot front setback, and a maximum fence height of 6-feet adjacent to the east and west property lines. The applicant is proposing to exceed current Code maximums by 4'-5" adjacent to the north property line and within the front setback, and by two feet along the east and west property lines.
- The applicant notes that there have been issues in keeping the site secure, and that the proposed fence would serve the purpose of clearly delineating between Church and City owned properties. Many people are not aware that the grounds are private property, which makes it difficult to secure the property at closing hours. Further, the Church is faced with demonstrators during public events, and would like to keep such activities off its property for the purpose of liability.
- The applicant also indicates that crime has been a detriment to the patrons of the church, noting the frequent vandalism and theft in the parking lots adjacent to LeSueur and Hobson roads. The existing fence adjacent to the parking lot located north of 2<sup>nd</sup> Avenue is 8-feet, and has been successful in deterring undesirable activity.
- The applicant is also proposing to expand the parking lot adjacent to LeSueur in a second phase to provide a permanent surface for the Easter Pageant stage. As the stage requires crane assembly, the proposed parking surface would minimize damage to existing landscaped areas. Installation of parking lot landscaping that meets current Code would be counterproductive to the proposed seasonal use; therefore, there are no recommendations to install parking lot landscape that complies with current Code. However, approximately twenty-three palm trees would be displaced with the parking area expansion, and the applicant has agreed to replace or relocate those trees elsewhere on the property.
- The applicant has completed neighborhood notification beyond City requirements. In addition to notifying all property owners within 300-feet of the property boundaries of the public hearing date and time, the applicant held a public input meeting at the site to discuss the request with neighbors in more detail. To date, there has been no opposition to the proposed fence. The fence would be opened and closed by Church staff and would remain open during normal hours of operation (5:00 am to 11:00 pm).
- The church campus is unique in that it is a destination for special events, including the Christmas light display and Easter Pageant. Given the presence of demonstrators during these events, a taller fence would provide additional security to patrons. Further, strict compliance with current Code would not allow a taller fence, which would prevent the security measure and subject patrons to criminal activity.

**City of Mesa**  
**Zoning Administrator Minutes**  
**March 18, 2008**

Case No.: ZA08-027

Location: 1061 North Dobson Road

Subject: Requesting a Special Use Permit (SUP) to allow the number of special events and number of special event days to exceed the maximum allowed during the calendar year in the C-2 and C-3 zoning district.

Decision: Approved with conditions.

Summary: Case ZA08-027 was approved with the following conditions:

1. Compliance with the site plan submitted except as modified by the conditions below.
2. The number of special events may not exceed thirty (60) per calendar year, and the aggregate number of special event days may not exceed sixty-five (100) per calendar year.
3. Special events shall be restricted to the areas identified on the site plan.
4. Farmer's Markets shall not be permitted as part of this request.
5. No single event shall exceed ten (10) days of operation.
6. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

- Findings:
- The applicant is requesting a Special Use Permit (SUP) to exceed the number of special events and the number of special event days during a calendar year. The development of Riverview has a pedestrian district called a "Paseo" that affords many opportunities for special events. Further, given the substantial size of the development, the applicant feels that family oriented events will promote increased pedestrian traffic that will support the success of the overall development.
  - The operation plan submitted indicates that there are two potential areas for special events. One area is located in the Paseo, and would be the primary location for events. The retail shops adjacent to the Paseo would buffer the sound from nearby residential uses. In addition, the Main Street may be blocked from traffic to facilitate a pedestrian-friendly environment. The applicant has noted that the barricades would not impact the flow of interior vehicle traffic, and there would still be adequate parking to accommodate customers.
  - The second area identified for special events is located in the north parking lot, north of the retail shops. This area is adjacent to the existing sand and gravel operation and would have minimal impact on the

**City of Mesa**  
**Zoning Administrator Minutes**  
**March 18, 2008**

residential uses located south of the development. The applicant has specified that this area would be used for events similar to a classic car show, where larger areas are needed. In addition, a parking study would be completed prior to each event to insure that the remaining parking areas are consistent with current Code requirements.

- The applicant has identified several events that would occur on the premises. Some events would occur annually while others would be monthly. Given the number of events and the estimated days necessary for each event, it is recommended that the development have no more than 30 events annually and not exceed 65 days per calendar year.

\* \* \* \*

There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:13 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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