

Zoning Administrator Hearing

Minutes



John S. Gendron
Hearing Officer

March 31, 2009 – 1:30 p.m.

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

Staff Present

Angelica Guevara
Mia Lozano-Helland
Tim Lillo

Others Present

Casey Bills
Maria Figueroa
Mark Russell
Don Graff
Joe Noce

CASES:

Case No.: ZA09-009

Location: 342 West Baseline Road

Subject: Requesting a modification to a Special Use Permit (SUP) to revise a Comprehensive Sign Plan in the C-2 zoning district.

Decision: Approval with the following conditions.

- 1. Compliance with the site plan and elevations submitted except as modified by the conditions below.*
- 2. Compliance with the Comprehensive Sign Plan approved with BA06-004 except as modified by this request.*
- 3. One additional detached monument sign allowed on Baseline Road designed to match the tenant monument signs approved for Parcel D (Panda Express).*
- 4. Detached sign limited to 12'-0" in overall height and 80 s.f. in area.*
- 5. Compliance with the requirements of the Building Safety Division in the issuance of sign permits.*

Summary: Casey Bills represented the Special Use Permit. Mr. Gendron discussed the request with the applicant and asked questions regarding the site and the signs that are currently installed. Maria Figueroa representing the Panda Express, that is part of the group commercial center where this sign will be placed, voiced concerns regarding the height of the proposed sign and the location. Her concern is that the sign will block the existing sign owned by her company. The applicant is requesting a 14' sign; however staff has recommended a 12' sign. Mark Russell, also

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representing Panda Express, asked questions related to the sign design and landscaping around the proposed sign. Ms. Guevara provided a staff report and recommendation. Mr. Gendron approved the request as recommended in the staff report and with a modification to Condition 3.

Finding of Fact:

- 1.1** The existing Comprehensive Sign Plan (CSP) set sign specifications and requirements intended to create sign compatibility within the group commercial center. The CSP allowed three detached signs along Baseline Road and three detached signs along Country Club Drive. As shown in the table below, the total sign area and sign height allowed is significantly less than could be allowed under current Sign Ordinance maximums.
- 1.2** CSP approved a total of six detached signs consisting of three tenant monuments at 9'-0" overall height and 54 s.f. each, one pad monument at 9'-0" overall height and 54 s.f., and two Wal-Mart monument signs at 12'-0" overall height and 80 s.f. each.
- 1.3** The CSP approved attached signage for Parcels B, C, D, E, and Lease Lot Phase VI that meets current Sign Ordinance maximums. The purpose of the existing CSP appears to be to allow attached signage for the Wal-Mart Supercenter that exceeds the Sign Ordinance maximums.
- 1.4** The CSP approved attached signage for the Wal-Mart Supercenter building which is 207,751 s.f., or approximately 4.75 acres, and approximately 430 feet from the right-of-way for Baseline Road. An increase in the number and area of attached signage was justified by the need for signs to be proportional to the scale of the building, visibility from the adjacent right-of-way, and a proposal for detached signage that was significantly less than could be allowed by the current Sign Ordinance. The CSP approved 12 attached signs totaling 611 s.f. and 4 modifier signs for the Wal-Mart Supercenter building.
- 1.5** The applicant has proposed an additional 14'-0" high, 114 s.f. detached sign. Although the total sign area and sign height previously allowed was significantly less than could be allowed, the proposed detached sign does not conform to the established signage criteria tailored for this group commercial center with BA06-004. The number, aggregate sign area, and aggregate sign height of detached signs approved previously, conformed to Sign Ordinance maximums. In addition, the approved CSP justified significant increases to attached signage for the Wal-Mart Supercenter Building with limited detached signage for the group commercial center.
- 1.6** Staff is supportive of a modification to the Comprehensive Sign Plan to allow an additional detached sign that slightly varies from the criteria previously approved for tenant monuments within this group commercial center. Staff recommends an additional detached sign that corresponds with the approved Wal-Mart Supercenter monument sign with an overall height of 12'-0" and 80 s.f.

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Case No.: ZA09-010

Location: 1551 East Dana Avenue

Subject: Requesting a Special Use Permit (SUP) to allow a daycare center in conjunction with a church in the R1-6 zoning district.

Decision: Approval with the following conditions.

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all conditions of approval for BA03-003 for the Substantial Conformance Improvement Permit (SCIP) and variance for a non-contiguous parking lot, except as modified by ZA04-15 and administrative modifications.*
3. *Compliance with all requirements of the Building Safety division with regard to the issuance of building permits.*

Summary: Donald Graff represented the Special Use Permit request. Mr. Gendron discussed the request with the applicant and asked questions regarding the age and number of the children attending; the previous cases that have been approved for the church. Joe Noce, also representing the request, explained that due to lack of funding many of the proposed projects have been deferred to future dates. Ms. Davis provided a staff report and recommendation. Mr. Gendron approved the request as recommended in the staff report.

Finding of Fact:

- 1.1 The Special Use Permit (SUP) allows a daycare center in conjunction with the school at Christ the King Catholic Church in the R1-6 zoning district per §11-13-2(L)2 of the Zoning Ordinance. The applicant has identified the use as preschool in their submittal; however the Zoning Ordinance does not distinguish between daycare and preschool.
- 1.2 The proposal is to convert one existing 830 square foot classroom, previously used for Kindergarten, to a preschool room. The school previously had a need for two Kindergarten classrooms, but now has just one Kindergarten classroom and want to use that available classroom for the preschool.
- 1.3 This site received a Substantial Conformance Improvement Permit (SCIP) in 2003 (BA03-003) to allow the facility to expand. Variances were obtained in conjunction with the SCIP to allow: Phase 1) Construction of a non-contiguous parking lot across Dana Avenue; upgrading existing parking lots and fire lanes; construction of a new chapel building and a new administration building.; Phase 2) Demolition of the existing Church Administration Building; construction of a new "Christian Formation" Building; and construction of a new playground.; Phase 3) Demolition of an existing school restroom building; construction of a new school lab building; and construction of a new outdoor basketball court; and Phase 4) Construction of a new gymnasium and construction of a new patio.

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- 1.4** In 2004 the applicant received approval to modify the previous request by reducing the scope of work proposed by the church including reduced square footage for the chapel and office addition and reduced parking for the non-contiguous parking lot to 44 spaces. (ZA04-015) That approval included the allowances for; the existing pastor's residence to be used for children's Religious education, to allow parish storage in the existing church owned home north of the church on Dana, and a reduced setback to 11' along Dana for the 700 s.f. addition to line up with the existing parish building.
- 1.5** The applicant has completed a citizen participation effort that included the notification of all property owners within 300-feet of the development. To date, staff has not received any complaints, concerns, or comments concerning the proposed use.
- 1.6** The applicant has indicated that the pre-school classroom was a request from the parents of the school with multiple children to provide the convenience of one location for their children's educational need.
- 1.7** The pre-school classroom is within an existing building and classroom at the school and will not have any impact on adjacent uses. There should not be additional traffic for the pre-school students since the room that will be utilized was previously a second Kindergarten classroom that is no longer utilized. As a result, the pre-school classroom is compatible with, and not detrimental to, surrounding properties.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:08 p.m.

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

Respectfully submitted,

John S. Gendron
Hearing Officer

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