



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 July 17, 2007 **TIME** 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Constance Bachman

Others Present

Elizabeth Ohep
Mary Ann Modzelewski

CASES

Case No.: ZA07-069

Location: 242 South El Dorado Circle

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing office use in the M-1 zoning district. (This case was continued from the July 3rd hearing)

This request for a Substantial Conformance Improvement Permit (SUP) was originally presented to the Zoning Administrator Hearing Officer at the July 3, 2007 hearing. At that hearing, the applicant accepted a continuance in order to have the site resurveyed to establish the exact property line along the northern boundary of the parcel due to uncertainty regarding the location of the existing chainlink fence. The final survey revealed that the current non-conforming fence was located on the adjacent property and, consequently, not a non-conforming issue that could be addressed through this SCIP submittal. During a site visit conducted by Staff on July 12, 2007, it was found that the previously recommended conditions of approval would result in the demolition and reconstruction of both the entire parking lot and the entrance gate to the rear yard area.

Decision: Approved with the following conditions.

1. *Compliance with the site plan as submitted, except as modified by the conditions below.*
2. *A minimum of one 36-inch box tree located in the landscape area east of the parking on the north border of the site and 10 five-gallon shrubs shall be provided within the landscape area adjacent to the north property line and east of the rear yard access.*
3. *Compliance with all requirements of the Building Safety Division in the issuance of Building permits.*

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Summary: Ms. Modzelewski stated that they had the property resurveyed and found that the fence in question was in fact on the neighboring property. Ms. Modzelewski went on to state that she met with Mr. Hash onsite and that it was confirmed that the fence was on the property adjacent to the north.
Mr. Hash concurred, and noted the revisions of the staff conditions that include the subtraction of the new block wall and the addition of additional landscaping.

Finding of Fact:

- The requested Substantial Conformance Improvement Permit (SCIP) would allow an approximately 920 square foot addition to an existing office building that does not comply with current Code requirements related to setbacks, foundation base, parking lot landscaping, and perimeter landscaping.
- The owner has recently finished an extensive exterior remodel to all elevations of the current building as well as replacing and increasing the current landscaping on the eastern, main customer entrance, side of the building.
- The applicant is requesting relief from current landscaping requirements in areas to the rear of the property, which are completely screened and gated from public view and only accessible to employees.
- Compliance with current Code requirements would require the demolition or significant alteration of the existing structures and would require the elimination of approximately 7-8 parking spaces, which would result in on-site parking in quantities below Code minimums.
- The existing buildings have a zero setback on the south and west property lines. In these areas all adjacent buildings are a minimum of 26 feet from the structures on the applicants site. Along the northern property line the applicant is requesting a reduction to the 15-foot landscape setback that would normally be required.
- Staff finds that the reduction to a zero building and landscaping setbacks in those areas that are screened from the public and only accessible by employees are justified. In the Customer parking area on the northern perimeter, which is outside of the rear yard shall have a eight foot landscape setback and contain a minimum of one 25" box tree and four, five gallon shrubs per 25 feet to match current landscape palate.
- The existing chain link fence along the northern property line shall be replaced with six-foot CMU block.
- The site plan proposed, including staff recommended conditions of approval provides a development that substantially conforms to current Code development standards.

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Case No.: ZA07-072

Location: The 10900 to 11400 blocks of East Baseline Road - south side

Subject: Requesting a minor modification of the Sunland Springs Village Development Master Plan to allow covered patios attached to single-residence homes adjacent to the golf course to encroach into the required rear setback in the R1-6-DMP zoning district.

Decision: Continued to August 21, 2007

Summary: Staff is recommending that this case be continued until August 21, 2007.

Finding of Fact: N/A

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Case No.: ZA07-074

Location: 1221 East McKellips Road

Subject: Requesting: 1) a Special Use Permit to allow an automobile service station; 2) a Substantial Conformance Improvement Permit; and 3) a Special Use Permit for modification of a Comprehensive Sign Plan all associated with the expansion of commercial center in the C-2 zoning district.

Decision: Approved with conditions

1. *Compliance with the site and landscape plan submitted, except as modified by the conditions below.*
2. *Compliance with all requirements of cases Z07-61 and DR07-80.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Elizabeth Ohep, applicant, represented the request and questioned condition number four in the staff conditions concerning hours of operation matching that of the store. Mr. Gendron asked questions about the 24-hour availability of gas due to theft, vandalism, or accidents. Ms. Ohep explained the shear valve and staff discussed the 24-hour service is common in the City of Mesa. The station will also have to comply with all other City requirements and State laws and restrictions. Mr. Gendron questioned the use of point-of-sale signs and Mr. Hash noted the signs would not be visible from off-site and would not be counted as signage. Mr. Gendron agreed that the use would be compatible with and not detrimental to surrounding properties, that substantial conformance for the entire development has been achieved, and the CSP modification is consistent with the intent of the approved CSP and Sign Ordinance.

Finding of Fact:

- A Special Use Permit (SUP) is required for the operation of all fueling stations manned or unmanned with the City of Mesa. This SUP would allow the operation of a 3,956 SF canopy with five fuel dispensers, a 112 SF cashiers kiosk, and two underground storage tanks. The proposed fueling station is compatible with the surrounding area, which is comprised of primarily commercial uses and will provide a service to those individuals residing in the area.
- The Substantial Conformance Improvement is to allow expansion of an existing nonconforming site. Deviations to current Code requirements relate to setbacks adjacent rights-of-way, landscaping, parking lot screening, and parking lot landscape islands. Specifically related to the fueling canopy, the applicant is requesting maintaining the existing reduced setback from McKellips Road and the use of landscape plant material as an alternative to the required parking screen walls.
- The applicant adds that the addition of plant materials of the same species as the existing landscaping will add uniformity with the existing shopping center landscape buffer. The proposed landscape islands on each side of the fuel canopy will be seven feet wide. This landscape strip will utilize plant materials comparable with the existing landscaping within the center and will serve as a buffer to traffic between the shopping center and the fueling station.

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- A large landscape island is being placed at the north end of the fueling station area and a pedestrian connection is being added to provide access from the overall center to the fueling area.
- The existing Comprehensive Sign Plan (CSP) does not address a fueling station. The modification of the existing Comprehensive Sign Plan would allow signage for the fueling station that is consistent with the approved CSP.
- The existing CSP would be modified to allow 146.28 SF of attached signage that would include 1) four Fry's logo signs of 10.46 SF each, 2) two Fry's name signs of 6.72 SF each, and 3) two price signs of 45.5 SF each. No detached signs have been proposed.
- Additional signage that will be attached to the proposed fuel canopy is comparable to the signage normally used in this application and does not afford Fry's with any special privileges that would not be granted to other facilities with comparable circumstances.
- The proposed fueling station has received the review and approval of the Planning and Zoning Board, City Council, and Design Review Board.

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Case No.: ZA07-075

Location: 3914 East Presidio Street

Subject: Requesting a Substantial Conformance Improvement Permit to allow expansion of an industrial building in the M-1-PAD zoning district.

Decision: Continued to July 31, 2007

Summary: Staff is recommending that this case be continued until July 31, 2007.

Finding of Fact: N/A

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 01:55 p.m.

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

Respectfully submitted,

John S. Gendron
Hearing Officer

jm
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