

Minutes

City Council Chambers, Lower Level August 5, 2015

Board Members Present:

Trent Montague – Chair
Mark Freeman - Vice Chairman
Wade Swanson
Ken Rembold
Tony Siebers
Steve Curran
Jessica Sarkissian

Board Members Absent:**Staff Present:**

Gordon Sheffield
Lisa Davis
Wahid Alam
Kaelee Wilson
Mike Gildenstern

Others Present:

Michael Hall
Liliana Pinedo

The study session began at 4:30 p.m. and concluded at 5:36 p.m. The Public Hearing began at 5:37 p.m. Before adjournment at 6:04 p.m., the following items were considered and recorded.

Study Session began at 4:30 p.m.

- A. Presentation of Legistar and iPads
- B. Zoning Administrator's Report
- C. Election of Officers- A motion to nominate Boardmember Freeman as Chairperson and Chairperson Montague as Vice-Chairperson was made by Boardmember Swanson and seconded by Boardmember Rembold. Vote: Passed 7-0
- D. Discussion of items listed on the Public Hearing Agenda

Study Session adjourned at 5:36 p.m.

Public Hearing began at 5:37 p.m.

- A. Consider Minutes from the July 1, 2015 Meeting -A motion was made by Boardmember Rembold and seconded by Boardmember Swanson to approve the minutes. Vote: Passed 6-0 (Boardmember Sarkissian abstained)
- B. Consent Agenda -A motion to approve the consent agenda as read was made by Boardmember Swanson and seconded by Boardmember Siebers. Vote: Passed 7-0

Case No.: BA15-018 **TABLED**

Location: 60 North Gilbert Road

Subject: Requesting: 1) a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial building; and 2) a Special Use Permit to allow a reduction in the minimum number of required parking spaces, both in the GC zoning district. (PLN2015-00115)

Decision: Tabled

Summary: Mike Hall, 600 N. 4th Street, Phoenix, explained the case to the Board.

Boardmember Swanson confirmed that the applicant is in fact currently officially engaged as the architect for this project and confirmed that the applicant's client is serious about bringing the site into compliance to avoid being fined.

The applicant went on to explain for Boardmember Montague that a continuance that would provide the applicant roughly 10 additional days would not be enough time; at least 3-4 weeks would be necessary, so a Tabling of the case was proposed by the Board.

Motion: It was moved by Boardmember Siebers seconded by Boardmember Swanson to table Case BA15-018.

Vote: Passed (7-0)

Case No.: BA15-022 **CONTINUED**

Location: 1925 East Brown Road

Subject: Requesting a Special Use Permit to allow a wireless communications facility to exceed the maximum height allowed in the LC zoning district. (PLN2015-00187)

Decision: Continuance to the September 2, 2015 Meeting

Summary: The applicant, Liliana Pinedo, presented the case to the Board.

Chairperson Freeman and Boardmember Swanson recommended that the case be continued to give the applicant ample time to work with Staff to formalize details of the case and then present at the September 2, 2015 meeting.

Zoning Administrator Sheffield confirmed that Staff would recommend encasing cell communication equipment in a tower that architecturally-complements the plaza's design aesthetics, instead of the applicant-proposed monopalm.

The applicant explained for Boardmember Siebers that her company wants to proceed with either a monopalm or a monopine, instead of a decorative tower, citing cost-effectiveness, and that the plaza landlord is agreeable to either the monopalm or monopine option.

Boardmember Sarkissian confirmed with the applicant that the stand-off array could be attached closer to the tower. Ms. Sarkissian also stated that the maintenance of the tower must be kept up to address fading and weathering.

Zoning Administrator Sheffield added that Staff had issues with the overall design of the project, sidewalk accessibility, and screening of the equipment.

The applicant suggested that the compound could be moved so it's flush with the building instead of obstructing the sidewalk, and after a parking study, determine how many spaces could be forfeited to allow for the site.

Staffmember Wilson clarified that Staff had recommend placing the tower flush with the building; so it would not be visible from the parking area.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Montague to continue Case BA15-022.

Vote: Passed (7-0)

Case No.: BA15-028 **APPROVED WITH CONDITIONS**

Location: 1335 South Alma School Road

Subject: Requesting a Special Use Permit to modify a Comprehensive Sign Plan in the LC-PAD zoning district. (PLN2015-00219)

Decision: Approved with Conditions

Motion: It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve Case BA15-028 with the following conditions:

1. *Compliance with sign plan submitted, except as modified by these conditions.*
2. *Compliance with all requirements of Development Services in the issuance of sign permits.*
3. *All attached signage must comply with the requirements of BA07-040.*
4. *The detached sign form, "Mini-Retail", shall comply with the Fiesta District Design Guidelines.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The proposed modification to the CSP does not include attached signs. Attached signs shall remain in conformance with the previously approved CSP for this site (BA07-040).
- B. The CSP from 1993 allowed a 6 feet high sign with a total of 14.65 square feet of sign area. The applicant is proposing an 8 feet tall sign (plus no more than 20% of additional height in embellishment) with 50.5 square feet of sign area.
- C. The Chevy's Restaurant that was in existence in 1993 has been razed and a three-tenant building has been constructed in its place. The sign area allowance from the 1993 CSP did not allow enough area for panels for each of the 3 tenants that replaced the single restaurant tenant.
- D. The detached signage is substantial below code allowance on all other street frontages.
- E. The proposed replacement sign has been designed to comply with the adopted Fiesta District Design Guidelines, including utilizing the Guideline recommended colors and the Fiesta District Logo.
- F. The proposed modifications to the CSP, with staff recommended conditions of approval, will not be detrimental to surrounding properties and will enhance the overall character of the Fiesta District.

Case No.: BA15-031 **APPROVED WITH CONDITIONS**

Location: 819 South Stapley Drive

Subject: Requesting: 1) a Special Use Permit to allow alterations and improvements to an existing non-conforming multiple residence use; and 2) a Special Use Permit to allow a reduction in the minimum number of required parking spaces, all in the LC zoning district. (PLN2015-00257)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve case BA15-031 with the following conditions:

1. *Compliance with the site plan as submitted, except as may be modified by conditions listed below;*
2. *Residents and tenants shall be limited to one motor vehicle per dwelling unit; and*
3. *Compliance with all requirements of the Mesa Building Code (Title 4 of the Mesa City Code).*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. Case site is a non-conforming land use and includes non-conforming structures.
- B. No physical changes are being made to the outside shell of the buildings.
- C. The proposed alterations involve the remodeling of a present two-bedroom dwelling into a community common room.
- D. The proposed alterations will result in a lower number of dwelling units (from 18 to 17).
- E. The number of parking spaces will remain at 22, which is 14 less than required by the present zoning ordinance standards for a 17 unit development.
- F. No physical area is available that may be used to increase the number of on-site parking spaces.

Case No.: BA15-032 **APPROVED WITH CONDITIONS**

Location: 6555 East Southern Avenue

Subject: Requesting a Special Use Permit to allow for an outdoor special event to exceed more than 4 consecutive days in the LC-BIZ zoning district. (PLN2015-00279)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve case BA15-032 with the following conditions:

1. *Compliance with the site plan and operation plan submitted except as modified by the conditions below.*
2. *Signage shall be contained to the boundaries of the Special Event area. Signage visible from outside the boundaries of the site shall not be displayed prior to nor after the dates of the Special Event (may include construction and break down days), as specified in the Special Event License.*
3. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*
4. *Compliance with all requirements of the Business Services Department regarding application for and issuance of a Special Event License.*
5. *The Special Use Permit shall be valid for approximately the same isochronal period each year, and shall expire November 2018. The Special Use Permit is non-transferable for both location and applicant. Each year shall comply with provided operation plan details. Minor changes in dates from year to year may occur.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The Special Event will be located west of the Superstition Springs mall on a paved parking lot with all event parking located to the east. It will be open total of 10 days spread over a 5-week period.
- B. Sanctum of Horror operated a haunted attraction at Power Mall (southeast corner of Power Road and Baseline Road) in 2013 and 2014 with no complaints from surrounding neighbors.
- C. The haunted attraction installation will be located far enough from the neighboring residential uses, and far enough from the mall that staff does not anticipate any injury or detriment to surrounding uses.
- D. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Case No.: BA15-033 **WITHDRAWN**

Location: 719 West 2nd Street

Subject: Requesting a Variance to allow a nonconforming carport to be enclosed and encroach in the required side yard setback in the RS-6 zoning district. (PLN2015-00284)

Decision: Case Withdrawn

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Siebers to withdraw case BA15-033.

Vote: Passed (7-0)

Case No.: BA15-034 **APPROVED WITH CONDITIONS**

Location: 1825 South Recker Road

Subject: 1825 S. Recker Road (District 2) - Requesting a Variance to allow an attached garage for a single residence to encroach into the required side yard setback in the AG zoning district. (PLN2015-00285)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve case BA15-034 with the following conditions:

1. *Compliance with the site plan as submitted.*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. This is a variance to allow a reduction of the required side yard setbacks in the AG zoning district.
- B. The property with the existing house was annexed in 1982 and comparatively zoned Agriculture (AG).
- C. The parcels were created before being annexed into the City.
- D. The lot is 160' wide with a total of 120' total aggregate side yard setbacks required leaving only 40' of buildable width.
- E. Although zoned for agriculture, the area has historically developed as a single family neighborhood with agricultural uses to the rear.
- F. Most other properties in the vicinity are single houses on single parcels.
- G. Similarly zoned and developed properties exist to the north and south of this property.
- H. Variances have been granted in the neighborhood to allow for relief of the AG district setbacks.
- I. The Zoning Ordinance establishes setback requirements that are designed for large agricultural uses, with a minimum of 10 acres.
- J. Strict compliance with Code would deprive the property of the ability to construct a garage in the side portion of the lot.

Case No.: BA15-035 **APPROVED WITH CONDITIONS**

Location: 1039 East Broadway Road

Subject: Requesting: 1) a Special Use Permit to allow a commercial office in the RM-4 district; and 2) a Substantial Conformance Improvement Permit to allow reductions in the required front, rear, and side yard setbacks; and 3) Special Use Permit to allow a deviation from required surface parking standards, all in the RM-4 zoning district. (PLN2015-00289)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve case BA15-035 with the following conditions:

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
2. *Approval by the Zoning Administrator and City Engineer of the proposed alternative parking surface as required in section 11-32-2.C.1 of the Zoning Ordinance prior to the issuance of a Building Permit/Certificate of Occupancy. Should the alternative parking surface not be approved the parking and circulation area will be required to paved with asphalt, concrete, paving stone or masonry as outlined in the Code.*
3. *Compliance with operational plan within the Project Narrative. Minor changes to the operational plan can be approved through the Planning Director. Major changes would require an amendment to the SUP.*
4. *Additional shrubs and trees as indicated in the table of this report shall be required prior to the issuance of a Certificate of Occupancy.*
5. *Provide an average of 8' landscaped setback at the south property line. A concrete curb shall be installed to separate the parking area from the landscape area as required by Section 11-33-2 of the Code.*
6. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. This request is for a SUP and a SCIP to accommodate the re-use of an existing single story house and property to be utilized as a business/professional office in the RM-4 district
- B. The proposed re-use of the site invokes conformance with current development standards.
- C. The site is located in the Neighborhood Character area as defined in the general plan. The request is consistent with the General Plan policies
- D. The location of the project is coterminous to an intersection of an arterial street with a

local or collector street, and the aggregate maximum gross floor area is less than 2,000 square feet in floor area in the existing RM-4 zoning district. This request will allow for re-use of an existing 1,559 square-foot single residence house.

- E. There are existing palms trees adjacent to the north elevation of the building. There are existing trees adjacent to the 6' wall adjacent to Miller Street.
- F. The proposed Foundation Base areas approach compliance to the greatest degree practicable.
- G. The proposed development will be in substantial conformance with current code.
- H. Full compliance with current Code development standards would require significant demolition of existing improvements.
- I. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- J. Requiring compliance with the current code would not allow the re-use of the site to occur.
- K. The deviations requested are consistent with the degree of change requested and improve the site.
- L. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
- M. The proposed use will not be detrimental to surrounding properties.

Case No.: BA15-036 **APPROVED WITH CONDITIONS**

Location: 641 West Southern Avenue

Subject: Requesting: 1) a Substantial Conformance Improvement Permit to allow reductions in the minimum depth of the required rear yard setback reduction, and to the minimum depth of the required foundation base, all in the OC zoning district. (PLN2015-00291)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis

Motion: It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve case BA15-036 with the following conditions:

1. *Compliance with the site plan as submitted, except as may be modified by the conditions below;*
2. *Compliance with all requirements of the Mesa Building Code (Title 4 of the Mesa City Code), including the issuance of any required permits resulting from a change to the building code occupancy classification of the building;*
3. *Compliance with stormwater retention requirements; and*
4. *Compliance with all provisions and requirements related to solid waste pick up.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. A preschool is proposed to be the principal activity of this site, which was developed to be a mix of general office and medical office uses.
- B. The existing site with the 9,945 SF building has a surplus of parking spaces which are not required for a preschool use.
- C. The site largely conforms to present zoning ordinance requirements for a day care/preschool activity, save for the depth of the perimeter landscaping and the depth of the foundation base.
- D. The proposed revisions will remove the excess parking not required, and replace it with an outdoor play area. Play areas are required under licensing standards for preschools and day care facilities under State of Arizona Child Services Licensure requirements.
- E. Additional demolition or revisions to the site, beyond what is proposed, would result in requiring a degree of compliance that is disproportionate to the degree of change being proposed. The change in use will result in a reduction in on-site parking demand, and likely result in a reduction to the level of vehicular travel arriving and staying at this site for longer periods of time.
- F. The proposed preschool activity is consistent with the Mesa 2040 General Plan designation of the site as 'Neighborhood', bordering on a potential Transit Corridor.

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator