

Board of Adjustment

Staff Report

CASE NUMBER: BA15-018 (PLN2015-00389)
STAFF PLANNER: Wahid Alam AICP, Planner II
LOCATION/ADDRESS: 60 North Gilbert Road
COUNCIL DISTRICT: 4
OWNER: Focus Mesa Inc
APPLICANT: Michael Hall, Michael Hall Architect LLC
REQUEST: A Substantial Conformance Improvement Permit to allow reduced setback and perimeter landscaping all in the GC zoning district.

SUMMARY OF APPLICANT'S REQUEST

This request involves the redevelopment of a vacant building and pad site into an automobile sale /dealership called Rollit Motors.

STAFF RECOMMENDATION

Staff recommends approval of case BA15-018, *conditioned upon:*

- 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.*
- 5) *Compliance with the Zoning Ordinance Section 11-06-2 Land Use Regulations for Automobile/Vehicle Sales and Leasing.*
- 6) *Non-operating vehicles shall not be stored on this site, and adjacent parking spaces within the center shall not be used for display or storage of vehicles. Only currently operating vehicles can be placed on display, and then only for the purpose of displaying the vehicle for potential sale and lease.*
- 7) *Vehicle Display shall be limited to the locations depicted on the submitted site plan, dated September 22, 2015. Any storage or display outside of the depicted area shall be considered a violation of the Zoning Ordinance.*
- 8) *The dealership business shall not be operating from this location until a Certificate of Occupancy and City of Mesa Tax and License is issued for this particular business at this location.*

SITE CONTEXT

CASE SITE: Vacant building and pad site, Zoned GC-General Commercial
NORTH: Existing Lumber Yard, Zoned GC-General Commercial
EAST: (Across Gilbert Road) Existing Apartment complex, zoned RM-4 Residential Multiple Dwelling District
SOUTH: Existing Office building, zoned GC-General Commercial
WEST: Existing Reception Center within the shopping center, zoned GC-General Commercial

STAFF SUMMARY AND ANALYSIS:

This is a request previously tabled by the Board for a lack of complete submittal.

The applicant resubmitted on August 31, 2015 for the SCIP request. The proposal is to use the existing 2,380 square feet building (former restaurant, Pizza Hut) for office use, and display vehicle is the surrounding parking lot for a used car dealership. The proposed dealership will isolate 80 parking spaces from the existing parking lot to the south of the building to display automotive vehicles for sale or lease. The seven parking spaces to the east of the building along Gilbert Road will be designated for customer parking. The existing two drive way access to the east of the building will remain open all the time for public access. Only the area designated for vehicle display may be closed for security reasons.

Applicant submitted parking study for the entire center where it indicates 500 spaces required, however 509 spaces provided.

The existing shopping center was constructed prior to 1980, so the overall group commercial center is considered legal non-conforming. In addition, the change of use from restaurant to outdoor vehicle display, therefore the redevelopment of the existing site and building for the new land use will require that the former restaurant site brought into compliance with current Code requirements for automobile sale and leasing activities. The current code requires the following:

1. Along Gilbert Road 15 feet setback with landscaping.
2. Foundation base around the building 10-15 feet.
3. Screening along Gilbert Road min 3.5' along customer parking and minimum 18 inches tall along display area.

The applicant has proposed to bring the site closer to compliance with current Code by offering improvements to the overall site, which are:

- Screening will be installed along Gilbert Road per current code.
- New landscaping along Gilbert Road and in front of the building.

The site plan submitted does not show any new/proposed monument sign for the dealership, however the front elevation of the building submitted shows approximately 10' by 6' attached wall sign, which was not approved by the city. This SCIP application does not include a sign application. A separate sign permit is required.

In addition, the overall parking for the group commercial center, which includes restaurants and a reception center, will be reduced by the 80-parking spaces now being used for vehicle display. A new parking count for the center has been submitted (found on the submitted site plan) that indicates conformance to the minimum number of parking spaces required for the entire group commercial center.

Staff has received a letter from a neighboring business owner, who expressed concern regarding the operation of the business. He mentioned no issue with the use as a dealership, but claims that the property is used for disabled, non-operating vehicle storage, which is an eye sore to the neighboring businesses.

ORDINANCE REQUIREMENTS:

Mesa Zoning Ordinance Section 11-73-3

Required Findings for a SCIP

A [SCIP](#) shall not be granted unless the [Zoning Administrator](#), acting as a [Hearing Officer](#), or [Board of Adjustment](#) shall find upon sufficient evidence that:

- A. The entire development site will be brought into substantial conformance. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with this [Ordinance](#) that can be attained without causing or creating any of the following conditions:
 1. The demolition or reconstruction of existing buildings or other significant structures (except signs); or
 2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
 3. The creation of new non-conforming conditions.
- B. The improvements authorized by the [SCIP](#) will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

FINDINGS:

- 1.1 An Automobile Sales/Leasing is proposed to occupy the former restaurant (Pizza Hut) building, which was developed to be a pad site within a shopping center.
- 1.2 The existing site and building is located within a group commercial where parking is shared by all tenants and the updated parking study indicates sufficient parking for the overall center.
- 1.3 The site largely conforms to present zoning ordinance requirements for a pad site in General Commercial for automobile sale and leasing activity, except screening, perimeter landscaping and width of foundation base.
- 1.4 The proposed revisions will remove the excess parking not required, and replace it with a display area for vehicles.
- 1.5 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.
- 1.6 The proposed automobile sales and leasing activity is consistent with the Mesa 2040 General Plan designation of the site as 'Community Commercial Center'.