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City of Mesa, Planning Division
55 N. Center St.
Mesa, AZ 85201

RE: Substantial Conformance Improvement Permit (SCIP) / SEC of Southern and Stapley

To Whom It May Concern:

Our firm represents De Rito Partners ("De Rito") who owns the shopping center located at the southeast corner of Southern Avenue and Stapley Drive in Mesa, Arizona (the "Property"). The shopping center was originally built in the 1980's and was previously improved with a variety of shops, pads and a major anchor formerly used as a Food City grocery store. The grocery store is currently vacant and has been unoccupied since 2009. Unfortunately, the rest of the shopping center has suffered from the lack of an anchor tenant, and the shops and tenants are mostly vacant as well.

The shopping center had not been improved in the years prior to De Rito's acquisition in June 2013. Its neglected condition contributed to the lack of tenant interest in the site. Given its high retail vacancy and its outdated design, De Rito took a great risk and committed to redeveloping the site and improving the area without the commitment of any future tenant. As part of its extensive redevelopment, De Rito invested nearly a half million dollars in the center, not including architectural and professional fees, permit fees, and other miscellaneous fees totaling about \$200,000. The changes included the items listed below:

- Building redevelopment including new materials, paint, architecture, accents, design, theme, etc.
- Replaced dead and old landscaping
- Asphalt repair, resurface and restripe
- New lighting added
- Light pole painting
- Monument signage
- Roof repair
- Electrical work
- Concrete work

The substantial improvements made to the site have greatly benefitted the community and stabilized a commercial corner that was on the verge of blight. The new improvements have led to some renewed interest and commercial activity, however, the major anchor space remains vacant today, partly because of the site constraints in the rear loading dock area. Specifically, this site has only one loading dock although today's grocers require at least two loading areas, if not more. As a result, finding a major tenant has been tough even despite the new site improvements.

Recently, a new grocer tenant expressed interest in leasing the site and occupying the major tenant space subject to the addition of a second rear loading dock. De Rito is thrilled by the possibility and we believe the community would agree a new anchor grocery tenant would be a tremendous benefit to the shopping center and surrounding area. Based on prior experience, the new grocer tenant will reenergize the site and likely spur other commercial tenants to locate here as well. The proposed use is also a benefit to the surrounding neighborhood because it removes commercial vacancies which tend to cause blight and it provides an alternative grocery option, creating a more competitive consumer pricing. Given the new use and the existing building, the applicant requests a Substantial Conformance Improvement Permit (SCIP) for the Property to permit a second loading dock.

As with any redevelopment project, older infill sites such as this face many challenges. One of the greatest challenges when redeveloping a project is trying to apply current standards to a property that was developed years ago. Even more challenging is dealing with the constraints of an urban infill parcel that does not easily comply with ordinance requirements that were drafted with newer, undeveloped areas in mind. In fact, full conformance with the current code requirements would most likely cause a demolition of part of the existing buildings, cessation of an existing conforming use, or the creation of other non-conformities. As such, the applicant has worked diligently to meet as many of the requirements as possible. However, in order for the redevelopment and re-tenanting to be feasible, this application requests some relief through the SCIP process.

The relief requested is related to the location of the second loading dock next to the current loading dock. The current zoning ordinance requires a minimum 50' setback between a truck dock and a residential zoning district. However, the current loading dock is already less than 50' and was built years ago, prior to the adoption of the current ordinance standards.

The addition of the second loading dock should not alter the status quo due to the configuration of the site. As the site exists today, delivery trucks are expected to wait and idle along the east property line while the single loading dock is occupied. By adding the second loading dock, the delivery trucks are relocated further away from the east property line and away from the adjacent neighbors.

To mitigate any effects of the new loading dock, the developer is willing to enclose the loading areas. The new loading dock will be enclosed and shielded by a new 12' tall wall, whereas a 6' wall exists today and is open to its surrounding environment. By adding a second loading area, trucks are moved further away from the residential area and they are enclosed for the neighbors' benefit. The enclosure is a

tremendous benefit because it contains noise that would otherwise exist and escape with the open loading dock that exists today.

The applicant also proposes to add new landscaping at the east side of the site next to the residents. A 24" box tree will be added in between each of the existing trees along the eastern property to provide an additional buffer for the adjacent properties.

Because of its existing built environment, the Property is limited in its ability to provide new spaces and new landscaping. However, the applicant intends to remove the 6,840 square foot building along Southern Avenue which will reduce the building intensity, improve site aesthetics, and add new parking and landscaping. Approximately 39 new parking spaces and 1,500 square feet of new landscaping will be added to the area of the former building compared to the current condition today.

In addition, the applicant has already made significant site improvements which have enhanced the site and bring it closer into conformance with the current development standards such as new surface paving, restriping, replaced dead landscaping, building exterior improvements, etc. As a result, the shopping center is upgraded, the aesthetics are improved, and the primary commercial vacancy is filled.

The proposed modifications will improve the site aesthetics and will bring it into greater, substantial conformance with the current ordinance standards. The building has been refreshed and updated to create a better visual experience and streetscape. The changes have been and will continue to be a positive impact on the center and surrounding area. Furthermore, the new site improvements fit well within the context of both the existing and surrounding development. The proposed changes are in substantial conformance with the previously approved site plan and we respectfully request your approval of the SCIP application.

Sincerely yours,

WITHEY MORRIS, P.L.C.

By 
G. Adam Baugh