

Board of Adjustment

Staff Report

CASE NUMBER: BA15-048
STAFF PLANNER: Lisa Davis
LOCATION/ADDRESS: 2111 E. Main Street
COUNCIL DISTRICT: Council District 4
OWNER: Booth Financial LLC
APPLICANT: Cars for Less- Zachary Booth

REQUEST: *Requesting a Substantial Conformance Improvement Permit (SCIP) to facilitate the redevelopment of a commercial building into an automobile sales lot, including consideration of allowance of existing landscape areas and screening requirements that are dimensionally less than the minimum required; and foundation bases that are less than the minimum depth required in the GC zoning district. (PLN2015-00374)*

SUMMARY OF APPLICANT'S REQUEST

This request is for a Substantial Conformance Improvement Permit (SCIP) to allow an existing retail developed site to be redeveloped as an automobile sales lot in a General Commercial (GC) zoning district. The SCIP request includes reductions of the required building and landscape setbacks, reductions in required perimeter, parking lot and foundation base landscape and screening of parking and circulation areas. Improvements proposed for the site include a 10' wide landscape setback adjacent to Main Street, a 12' wide landscape area at the east elevation of the building and installation of landscape material. This will allow for the property to be used for an auto sales lot for Cars for Less.

STAFF RECOMMENDATION

Staff recommends **approval** of the SCIP for case BA15-048, *conditioned upon the following:*

- 1. Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
- 2. The driveway access adjacent to Main Street shall remain open for direct access to the site. No cars shall be parked to block the driveway.*
- 3. Additional vegetative ground cover as indicated in the table of this report shall be required. With the exception of reduced landscape areas identified in this report, all other requirements of Mesa Zoning Ordinance Chapter 33 shall be required.*
- 4. Resurfacing of the existing parking and circulation areas.*
- 5. All landscape materials shall comply with requirements for sight visibility triangle.*
- 6. All illegal and unauthorized signs shall be removed.*
- 7. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

SITE CONTEXT

CASE SITE: Retail building and site – zoned GC
NORTH: (Across Main Street) Existing multi residence apartments– zoned RM-4
EAST: (Across Chestnut) Existing RV sales & repair – zoned GC
SOUTH: Existing RV sales & repair – zoned GC
WEST: Existing RV sales & repair – zoned GC

Lot size: 9,914 SF
Existing building: 2,555 SF
Required parking: 7 spaces
Proposed parking: 7 spaces

STAFF SUMMARY AND ANALYSIS

Substantial Conformance Improvement Permit

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow the re-use of a previous retail site for auto sales. The automotive sales lot is a permitted use in the GC Zoning district. The small, less than 10,000 square feet (SF), lot with an existing 2,500 SF building is tucked between two RV sales and service uses, Robert Crist to the west and the south and RV renovators to the east across Chestnut. The adjacent RV sales & service lots have chain link fences and RVs parked directly adjacent to the Main Street. This creates limited visibility to the petite site. Per Tax & Licensing records, the last user for the site was a retail surplus store that closed in 2013.

The site plan submitted identifies the required 7 parking spaces on the north side of the building. It further labels a display area of 7 spaces adjacent to Main Street showing a narrowing of the driveway. However, these 7 display spaces would block the driveway access creating a safety concern. As a result the number of display spaces would need to be reduced to about three spaces. Without encroaching into the required parking spaces the applicant could pick up additional display spaces adjacent to Chestnut. The site plan identifies an entrance at Chestnut however, there is not an installed driveway. There is simply rolled curb in the right-of-way and this allows for vehicular access at any point adjacent to Chestnut. At the west side of the site, adjacent to the chain link fence of the RV sales lot, there is an existing 3' landscape setback. At the south side of the site and adjacent to RV sales lot, there is no landscape setback, either existing or proposed. Access to this area is through an existing gate. This area is proposed to be used for storage of vehicles.

The table below is a summary of Zoning Code requirements, applicant's proposal, and staff recommendation for the site.

| | Zoning Code Requirement | Applicant Proposed | Staff Recommended |
|------------------------------------|-----------------------------------|-------------------------------------|---|
| Building/Landscape Setbacks | | | |
| Main Street | 15' | 10' | As proposed |
| Chestnut Street | 20' | 0' | As proposed |
| West Property Line | 15' | 0' building setback 3' landscape | As proposed |
| South Property Line | 15' | 0' | As proposed |
| Landscape Quantities | | | |
| Main Street | 3 trees/18 shrubs | 3 trees/5 shrubs | As proposed |
| Chestnut Street/east elevations | 4 trees/16 shrubs | 3 trees/5 shrubs | As proposed + 5 little john bottle brush |
| West Property Line | 3 trees/13 shrubs | 3 trees/2 shrubs | As proposed |
| South Property Line | Not required behind enclosed yard | 0 trees/0 shrubs | As proposed |
| Foundation Base | | | |
| North elevation | 15' wide at public entrance | 7' with raised planters | As proposed + Minimum of 2 Little John Bottlebrush/planter |
| East elevation | 10' wide | 12' | As proposed |
| West elevation | 5' wide | 0' wide | As proposed |
| South elevation | 5' wide | 0' wide | As proposed |

As shown in the above table, the requested SCIP would allow a reduction in the building and landscape setbacks, and landscape material quantities adjacent to Main Street, Chestnut and adjacent property lines. It further expands on the SCIP request to reduce the foundation base width around the building. Other deviations from code include no existing or proposed parking or circulation screening, and no existing or proposed parking lot landscape.

The applicant's proposal includes a number of improvements. The first is to reduce the width of the driveway access to accommodate a 10' deep landscape area adjacent to Main Street. A 15' landscape setback is required by code adjacent to Main Street. Second is to increase the foundation base adjacent to the east side of the building. It is proposed to be 12' in depth for the length of the building, 10' is required by code. This would also add landscape material close to Chestnut. A 20' landscape setback is required adjacent to Chestnut. Third is to install landscape into the existing landscape areas at the west side of the property and in the raised planters at the north side of the building. There are two oleander shrubs at the northeast corner of the site and three shrubs at the west side of the site that will remain.

Landscape material sizes should be consistent with requirements of code. Staff would recommend adding a minimum of 5 Little John Bottlebrush to the east elevation foundation base. There are two existing oleanders adjacent to Main Street at the northeast corner of the site. There are 3 existing shrubs along the west property line that are not shown on the site plan but are intended to remain per the applicant. At the northeast corner of the site and along the west property line there are existing shrubs. The landscape proposed will be required to meet sight visibility requirements as determined by Development Services.

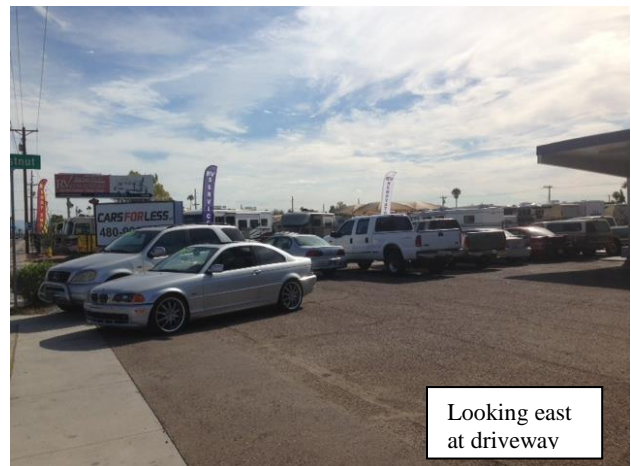
Staff is concerned that the small lot would not adequately support an automotive sales lot. However according to the business proposal, copy attached, the applicant clearly states that three display spaces adjacent to Main Street will work with their business model. The business proposal indicates that a great deal of sales are completed on line, through internet communications. It further indicates that they also sell from wholesale and auction which also limits the need to display cars on the lot. Car repairs are not proposed to occur on the site.

As justification for this request, the applicant has outlined the planned improvements to the site to: 1) Reduction of the width of the driveway adjacent to Main Street 2.) Install a 10' landscape setback adjacent to Main Street; 3.) Installation of a 12' foundation base landscape area at the east side of the building; 4.) Installation of landscape within the existing landscape setback at the west side of the property; 5) the use is consistent with similar uses in the area.

The intent of a SCIP is to recognize existing site constraints, and work proportionately with the degree of improvement being sought by the applicant to also improve the property based upon the development standards. The proposed improvements with the added conditions of approval constitute the greatest degree of compliance with current development standards without requiring demolition of the existing building or other significant improvements at the site. Deviations to current development standards are necessary to accommodate the re-use of this site with a viable use. The deviations requested will allow the redevelopment of the site in a manner consistent with development at other similar sites. The deviations will result in a development compatible with and not detrimental to, adjacent properties or neighborhoods.

FINDINGS

1. This request is for a SCIP to accommodate the re-use of an existing retail site to be utilized as an auto sales site in the GC zoning district
2. The existing site is under 10,000 SF in size with an existing 2,500 SF building with limited visibility.
3. The proposed re-use of the site invokes conformance with current development standards.
4. The site is located in the Community Commercial Character area and the Transit Corridor as defined in the general plan. The request is consistent with the General Plan policies.
5. There is no existing landscape setback adjacent to the south property line.
6. There is an existing 3' wide landscape setback adjacent to the west property line.
7. The proposed Foundation Base areas approach compliance to the greatest degree practicable.
8. The proposed development will be in substantial conformance with current code.
9. Full compliance with current Code development standards would require significant demolition of existing improvements.
10. The deviations requested are consistent with the degree of change requested and improve the site.
11. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
12. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.



ORDINANCE REQUIREMENTS:

11-31-5: Automobile Rentals; Automobile/Vehicle Sales and Leasing

Automobile Rental, and Automobile/Vehicle Sales and Leasing, each as described in Section 11- 86-4, shall be located, developed, and operated in compliance with the land use regulations in Article 2 and the following standards:

1. Landscaping. In addition to perimeter and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area.
2. Vehicle Display. A maximum of 30 percent of the street side landscape area may be used for vehicle display. A minimum 12-foot wide planter strip shall separate vehicle display areas from sidewalks along the streets. Vehicle display encroachments wider than 30-feet shall be separated by a minimum distance of 30-feet between similar vehicle displays that encroaches into the street side landscape area (illustration needed).
3. Vehicle Loading and Unloading. Vehicle loading and unloading shall occur on-site.

Zoning Ordinance, Sec. 11-13-2 (S) – Substantial Conformance Improvement Permits:

1. Except in the Town Center Redevelopment Area, the Zoning Administrator may approve modifications to certain development provisions specified in this ordinance in conjunction with the expansion, enlargement, or replacement of non-conforming buildings, structures, and sites, through approval of a Substantial Conformance Improvement Permit (SCIP) in accordance with the procedures set forth in Section 11-18-4 (C) of this ordinance. Such SCIP shall be approved only upon a finding by the Zoning Administrator that the entire development site shall be brought into substantial conformance.
2. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with current development provisions that can be attained without causing or creating any of the following conditions:
 - (a) The demolition or reconstruction of existing buildings or other significant structures (except signs).
 - (b) The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
 - (c) The creation of new non-conformities such as decrease in the number of on-site parking spaces below the required minimum, diminution of the water retention areas to less than the minimum required, constriction in the required vehicular access or fire lanes, or reduction of handicapped accessibility.
3. Substantial conformance shall be achieved when the proposed improvements reflect the greatest possible degree of compliance for each specific requirement prescribed in this ordinance.
4. The improvements authorized by the permit shall result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
5. Development requirements that may be modified by approval of the SCIP shall be limited to modifications to building setbacks, landscaping design, on-site parking, building height, right of way dedication, and other site development provision contained in Chapter 15 of this ordinance.