

Board of Adjustment

Staff Report

CASE NUMBER: BA16-001
LOCATION/ADDRESS: 2600 E. Southern Avenue
COUNCIL DISTRICT: District 2
OWNER/APPLICANT: Shelley McKown/Pew & Lake, PLC – Reese Anderson
STAFF PLANNER: Kim Steadman

REQUEST: *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow reductions to setbacks and landscaping requirements; and a Special Use Permit (SUP) to allow outdoor activities in the OC zoning district. (PLN2015-00388)*

SUMMARY OF APPLICANT'S REQUEST

This large residential lot has recently been rezoned from RS-43 to OC to allow the property to be used as a banquet and conference center. The former house and rear yard will be used for indoor/outdoor activity, with the front and side yards being modified to accommodate parking and auto circulation. This is a request for a Special Use Permit to allow outdoor activity in the OC zoning district, and a Substantial Conformance Improvement Permit to establish that the property is being brought into substantial conformance with the development standards of the new OC zoning of the property.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-001, *conditioned upon the following:*

1. *Compliance with the site plan submitted, except as modified by the conditions below;*
2. *Compliance with all conditions of approval for Z15-041, except as modified by this request;*
3. ***Compliance with the Development Agreement;***
4. ***Approval of the Zoning Administrator of the final green screen & plant design for the west property line;***
5. ***Compliance with plant count requirements on the east property line.***
6. ***Approval of the Zoning Administrator of measures to contain the decomposed granite within the parking areas.***
7. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits, including retention and location of the Solid Waste Enclosure.*

SITE CONTEXT

CASE SITE:	Existing residence, rezoned for commercial use	– zoned OC
NORTH:	Existing single residence	– zoned RS-43
EAST:	Reception Hall/Church	- zoned OC
SOUTH:	(Across Southern Ave.) Existing multi-residential	- zoned RM-2-PAD
WEST:	Existing single residence	– zoned RS-43

STAFF SUMMARY AND FINDINGS:

1. SCIP: The existing residential development consists of a house, and one outbuilding which was built on the north property line. The house meets the building setbacks of the OC district but the outbuilding does not. The SCIP would allow this outbuilding to remain. The building is of a scale that is appropriate to the existing semi-rural neighborhood and has is not a new condition.
2. SCIP & SUP: 48 parking spaces are required, as demonstrated by the parking calculations on the site plan. This includes parking for the outdoor area. 66 spaces are provided on site. In addition the applicant has established a private parking agreement with the property to the east, and has provided pedestrian access between the properties to allow for 55 spaces of overflow parking. This is not a code requirement.
3. SCIP: During the rezoning process staff was contacted by neighbors, and questions were raised that identified the need to retain an existing 10'-wide access drive that runs on the west property line of the subject property. The applicant redesigned the site plan to leave the access drive that has historically been used by neighbors for access to an irrigation stand pipe, and to deliver hay to adjacent horse properties. Staff supports this accommodation, treating it as an existing condition. This significantly reduced the landscaping area along the property line.
4. SCIP: There is a masonry wall, approximately six feet tall, that separates the access lane from the rest of the subject property. The wall does not run the full length of the access lane. The intent is to complete the wall, at a height of six to eight feet tall, for full screening along the west side. The Zoning Ordinance allows such walls, in commercial zoning districts, up to eight feet tall.
5. SCIP: A comparison of Code requirements, the applicant's proposal, and staff recommendations follows:

	Code Requirement:	Applicant Proposes:	Staff Recommends:
<u>Building/Landscape Setback</u> Southern Ave (south) West Property Line North Property Line East Property Line	15' adj. to an arterial 25' adj. to residential 25' adj. to residential 15' adj. to commercial	0' to exist. screening wall 10' access lane plus 2' of landscaping 0' at the outbuilding 21' to house & 5' to parking	Approval
<u>Perimeter Landscaping Counts</u> Southern Avenue West Property Line North Property Line East Property Line	10 trees/58 shrubs 4 trees/20 shrubs 11 trees/54 shrubs 8 trees/52 shrubs	Existing to remain 4 trees/11 shrubs 11 trees/various shrubs 5 trees/0 shrubs	Approval Add shrubs to meet Code Approval Add shrubs to meet Code
<u>Parking Lot Landscape Islands</u>	12 islands	10 islands	Approval
<u>Parking Lot Pavement</u>	Solid Pavement	Decomposed Granite	Decomposed Granite with containment measures to be approved by the Zoning Administrator.

6. SCIP: Staff supports reductions in the required counts for trees and shrubs where existing conditions limit compliance. For example, the street front and west property lines have reduced width. The north property line is mostly within the yard to be used for receptions and is proposed to remain as is. Staff recommends addition of a green screen material, as proposed by the applicant along with additional shrubs on the west property line, and compliance with code on the east property line where there is not a limitation to

- compliance. Staff has added a condition of approval to this effect.
7. As justification for the SCIP, the applicant has noted: 1) in order to meet full compliance with the zoning code major changes to the existing site plan would need to occur including the demolition of a portion of the existing building, 2) the requested reductions are existing site conditions, 3) the applicant does not propose creating any new non-conformities to code requirements.
 8. SCIP: Full compliance with current Code requirements would result in the elimination of required parking spaces.
 9. SUP: The most similar use, for which the Ordinance provides SUP requirements is 11-31-9: Commercial Uses in Any Residence Districts. The requirements include an appropriate site plan, an operational plan, and documentation that impacts on adjacent sites will be minimized.
 10. SUP: With regard to the compatibility of the wedding reception use with surrounding areas, the applicant is entering into a Development Agreement with the City to establish a "Plan of Operation" and "Good Neighbor Policy".
 11. SUP: The Development Agreement identifies that the business will comply with all City of Mesa Noise Ordinance requirements, identifies hours of operation and provides for contact from neighbors who have complaints.
 12. SCIP/SUP: The site plan submitted, including staff recommended conditions of approval, provides substantial conformance with current Code requirements that justify the requested SCIP. Additionally, the proposed outdoor use, as defined in the narrative and the Development Agreement, will be compatible with, and not detrimental to, adjacent properties in the area.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec. 11-70-5 (E) – Special Use Permits:

- E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the [General Plan](#) and any other applicable City plan and/or policies;
 2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the [General Plan](#) and with any other applicable City plan or policies;
 3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Zoning Ordinance, Sec. 11-73-3 – Substantial Conformance Improvement Permits Required Findings:

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);
 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.