

Board of Adjustment

Staff Report

CASE NUMBER: BA16-004
STAFF PLANNER: Kaelee Wilson, Planner I
LOCATION/ADDRESS: 5020 East Main Street
COUNCIL DISTRICT: Council District 2
OWNER: FNS Ventures II, LLC
APPLICANT: John Reddell

REQUEST: *Requesting a Substantial Conformance Improvement Permit (SCIP); and a Special Use Permit (SUP) to allow: 1) a carwash; and 2) a Special Use Permit (SUP) to modify a Comprehensive Sign Plan (CSP); and 3) a Special Use Permit (SUP) to allow an Electronic Message Display to change more frequently than once per hour, all in the GC zoning district. (PLN2015-00638)*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a SCIP to facilitate the redevelopment of an existing carwash. The applicant is proposing to add 10 self-service vacuum stations along the west side of the property which intensifies the non-conforming site requiring full conformance with development standards set forth in the Zoning Ordinance (Code). Carwash uses within the GC zoning district require the granting of Special Use Permit (SUP). Since the carwash does not have a SUP, the modification to the site will require the establishment of a SUP for the use.

The carwash is proposing to update the exterior elevations through an Administrative Design Review Process that will be reviewed and considered by the Planning Director. As part of the exterior upgrades, the applicant is proposing modifications to the attached and detached signage on the property. The modification being requested require modification of a CSP that was adopted before the present commercial sign maximums were set. The applicant is requesting standard current code allowances for both detached and attached signage. The proposed detached sign has a traditional cabinet and an Electronic Message Display panel. The Zoning Ordinance allows messages on Electronic Message Display signs to change once per hour. The applicant is requesting a SUP to allow for the messages to change every 15 seconds.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-004, *conditioned upon the following:*

- 1. Compliance with the site plan, landscape plan and sign plan submitted, except as modified by the conditions below.*
- 2. The finishing canopy shown on the plan as extending across the access/exit drive shall be removed and not replaced in the same location.*
- 3. Any alternative locations for the finishing canopy shall be reviewed and approved by the Planning Director.*
- 4. The electronic message display sign shall not change more than once every fifteen seconds.*
- 5. The electronic message sign shall comply with all illumination intensity levels listed in Section 11-41-8-D-18c.*
- 6. All attached and detached signage for the carwash shall comply with all requirements of Sections 11-41-6 and 11-41-8 of the Mesa Zoning Ordinance.*
- 7. Seven trees and forty two shrubs shall be planted along Main Street.*
- 8. Compliance with all requirements of the Development Services Division with regards to the issuance of building permits.*

9. All exterior modifications shall be reviewed and approved by the Planning Director through an Administrative Review.

SITE CONTEXT

CASE SITE: Existing carwash- Zoned GC
NORTH: Existing manufactured home subdivision – zoned RM-4
EAST: Existing strip retail center – zoned GC
SOUTH: (across Main Street) Existing manufactured home subdivision– zoned RM-2
WEST: Existing strip retail center – zoned LC

STAFF SUMMARY AND ANALYSIS

Substantial Conformance Improvement Permit (SCIP):

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the redevelopment of an existing carwash that has been in existence since 1985. The applicant is enhancing the site and adding 10 self-serve vacuum stalls. The addition of vacuum canopies on a legal non-conforming site requires compliance with current development standards. Since the development standards in 1985 were different than current Code, a SCIP has been requested for slight deviations to current requirements.

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

DEVELOPMENT STANDARDS:

Standard	Code Requirement	Applicant Proposed	Staff Recommended
Main Street Setback	15' landscaping	landscaping varies: 10' to 40'	As proposed
North Property Line Setback	15' landscaping setback and 20' building setback	12' to building	As proposed
West Property Line Setback	0'	landscaping varies: 0' to 22'	As proposed
East Property Line Setback	0'	landscaping varies: 8' to 20'	As proposed
Parking	1/375 SF under roof including the service bays, wash tunnels and retail = 11 required	9 spaces provided, 10 additional spaces provided for vacuum stalls	As proposed
Foundation Base	Exterior walls without Public Entrance: 5' Min. Exterior walls with Public Entrance: 15' Min.	Varies: 0' to 5' Varies: 11'-6" to 18-6"	As proposed
Queuing Area	Cannot be within building/landscape setbacks	No encroachment	As proposed
Landscape Quantities along Main Street	4 trees and 24 shrubs per 100' of frontage	No modification	Code minimum of 7 trees and 42 shrubs.

Standard	Code Requirement	Applicant Proposed	Staff Recommended
Landscape Island Width	8 feet wide	5'-9"	As proposed
Landscaping Percentage	Minimum of 10% of site	19% of site	As proposed

As shown in the above table, the requested SCIP would allow a reduction in the building setbacks, landscape setbacks and foundation base width around the building. The 20 foot building setback on the north side of the property is required when a carwash is located adjacent to a residential zoning district. The two existing buildings on the north currently encroach 8 feet into the 20 foot required setback. The applicant is not requesting a further encroachment into that setback or a modification to the use of those buildings.

The applicant has noted the following as justification for the granting of the SCIP: 1) the required setbacks cannot be met without the demolition of the building and 2) there is not enough space to add the required landscaping.

The applicant is proposing to remove the landscaping on the west side of the property to accommodate the vacuum canopies without the need to encroach into the required 24 foot wide drive aisle. Since the landscape quantities and width on the north does not meet Code requirements and the landscaping on the west is being removed for the vacuum canopies, staff is concerned the landscaping is not substantially in conformance with Code. Staff is conditioning the landscaping along Main Street meet the code minimum of 4 trees and 24 shrubs per 100' to further substantial compliance with development standards. This would equate to 7 trees and 42 shrubs along Main Street.

The applicant is requesting a new finishing canopy be located in the access drive to the property from Main Street. The finishing canopy functions as the drying area after cars exit the washing tunnel. After the cars are dried, the customers would be able to exit the property directly onto Main Street. This creates a one-way condition for three lanes along the access drive. Currently, there is a finishing canopy that encroaches into the right-of-way that was established without the benefit of a building permit. The applicant is requesting to relocate the finishing canopy 10 feet from the front property line, which encroaches 5 feet into the required 15 foot setback along Main Street. If the applicant shifted the canopy 5 feet to the north to meet the front setback, the canopy would be blocking the internal circulation. The site does have cross access between the adjacent parcels; however, the drive where the finishing canopy is located is the only access point from Main Street directly onto the carwash property.

In addition to the encroachment into the required front setback, staff has serious concerns about the finishing canopy being placed in the access drive into the property. Since the canopy is set back from the street, a customer driving westbound on Main Street wouldn't be able to see the canopy before turning into the business. This customer would then head into one-way exiting traffic or parked cars. Staff believes this is a bad design that gives a competitive advantage to this carwash over other carwashes that have had to sacrifice intensities of uses to ensure a safe design. Finishing canopies in access drive aisles is not a precedence staff would like to set for future car washes. Staff is recommending this finish canopy be removed and not replaced.

The plan has been to Solid Waste, Fire and Transportation for comment. Solid Waste and the Fire Department have concerns about the canopy blocking the access from Main Street to the property. Transportation stated

that, if authorized by the Board, they would require the applicant to apply for “one-way” and “do not enter” signs to be placed on the drive into the property.

Special Use Permit (SUP) for a carwash:

The Zoning Ordinance requires a carwash to be granted a Special Use Permit (SUP) for the use and meet additional development standards beyond the minimum requirements for the zoning district. This particular application involves modifications made to an existing car wash facility, which is being taken into account through the SCIP application with regard to the car wash building’s placement relative to the manufactured home park adjacent to this case to the north. These site conditions were established in 1985 when the carwash was constructed. Since the applicant is not proposing additional encroachments or intensification of the uses within the 8 foot encroachment, the recommended Board action is authorize the continued use of the non-conforming setback.

This application is otherwise in compliance with the additional criteria listed for a carwash. The proposed site plan otherwise complies, the applicant has provided a “Good Neighbor Policy”, and development on the property is being brought into substantial conformance with current development standards through the SCIP process. The master vacuum motor is being placed inside a CMU block building over 60 feet from the adjacent residential use. The applicant will also place trash receptacles at the entrance of each bay, and at every self-serve vacuum station to ensure litter gets disposed of properly.

Special Use Permit for a Comprehensive Sign Plan (CSP)

A Comprehensive Sign Plan was established for the Gallo Group Commercial Center in 1986. The existing Comprehensive Sign Plan authorized the carwash to install 20 foot tall detached sign with 70 square feet of sign area. This sign is currently in use at the carwash. The applicant is proposing to remove the sign and replace it with a sign that conforms to maximum area and height allowed per the zoning district.

The current CSP allows each tenant to have attached signage that complies with the sign area listed in the Zoning Ordinance with the exception of the letter height being capped at 2 feet. The applicant is requesting a “PAD Carwash Tenant” classification be added to the current CSP. The newly created “PAD Carwash Tenant” would be subject to the current Sign Code. Having the “PAD Carwash Tenant” revert to Code allowances means the letter height would no longer be restricted and the proposed detached sign is capped at 12’ in height.

Staff is supportive of this request as the existing non-conforming detached sign will be replaced with a sign that complies with Code requirements.

Special Use Permit (SUP) for Electronic Message Display Sign message frequency:

The applicant is also requesting a SUP to allow an Electronic Message Sign to change more than once per hour. The current Sign Ordinance requires electronic message displays to remain static for a minimum of one hour unless a Special Use Permit (SUP) is granted. Such SUP may be granted if the proposed sign is found to be compatible with and not detrimental to surrounding properties through the consideration of specific factors of Section 11-19-8(D)17 which are:

1. The speed and volume of the vehicular traffic visually exposed to the sign;
2. The presence of other signs or distracting influences in proximity to the sign location; and
3. The extent to which the design of the sign is compatible with other signs located on the premises.

The maximum speed limit on this portion of Main Street is 45 mph. The number of monument signs is minimal with the proposed electronic message sign being the only one within this shopping center.

Finally, the request for a 15 second message display is consistent with past Board of Adjustment decisions, which have allowed message changes every 15 seconds. The basis for these decisions has been the idea of having one message visible for approximately a quarter mile as a vehicle approaches the sign. A static message for 15 seconds ensures the message is static long enough for the driver to read whatever it says quickly, in a single display, and then divert their attention back to the roadway.

FINDINGS FOR SCIP

- 1.1 This request for a SCIP would allow for the redevelopment of a carwash.
- 1.2 The proposed vacuum stalls invoke current development standards.
- 1.3 The site is located in the Neighborhood Suburban character area with a Transit Corridor as defined in the 2040 Mesa General Plan. This request is consistent with the General Plan policies.
- 1.4 The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- 1.5 Requiring full compliance with the current code would require demolition of existing buildings.
- 1.6 The deviations requested are consistent with the degree of change requested and will improve the site.
- 1.7 The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.

FINDINGS SUP FOR CARWASH

- 2.1 The carwash has been in existence since 1985 without a SUP.
- 2.2 The carwash has not been detrimental to the surrounding neighborhood and will not become detrimental with the modifications.
- 2.3 The vacuum motor will be housed in an enclosed CMU building to negate any potential impacts to surrounding neighbors.
- 2.4 The site is coming further into compliance with code through the site improvements conditions through the SCIP process.

FINDINGS FOR SUP FOR CSP

- 3.1 The requested Comprehensive Sign Plan (CSP) would allow the property to utilize standard Sign Code allowances for detached and attached signage.
- 3.2 The requested CSP would allow the applicant to replace a non-conforming 20 foot tall sign with one that complies with code.
- 3.3 The applicant is proposing at 12 foot tall detached sign that is 73.68 square feet.
- 3.4 The applicant is proposing 3 attached signs that total 159.71 square feet.
- 3.5 The proposed modifications are compatible with the group commercial center and will not be detrimental to the surrounding neighborhood.

FINDINGS FOR SUP FOR ELECTRONIC MESSAGE DISPLAY FREQUENCY

- 4.1 The speed limit is 45 mph for this portion of Main Street.
- 4.2 There is minimal sign clutter in this area so the electronic message changing every 15 seconds won't be detrimental or cause a distraction.

- 4.3 The design of the proposed sign is compatible with the other monument signs within the group commercial center.

ORDINANCE REQUIREMENTS:

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.

Zoning Ordinance, Sec. 11-70-5 – Special Use Permits – 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.