

Board of Adjustment

Staff Report

CASE NUMBER: BA16-012 (PLN2016-00184)
STAFF PLANNER: Kaelee Wilson
LOCATION/ADDRESS: 3512 East Southern Avenue
COUNCIL DISTRICT: Council District 2
OWNER: MOHR Property Burbank, LLC
APPLICANT: AEO Powersports- Jeremy Scism

REQUEST: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow reuse of an existing retail building to accommodate limited repair work for motorcycles and other small motorized vehicles in the LC zoning district.

SUMMARY OF APPLICANT'S REQUEST

The request is for a Substantial Conformance Improvement Permit (SCIP) to allow for a secured outdoor area to be constructed in conjunction with an existing motorsport dealership. The dealership is located within a pad building in the group commercial center located on the northwest corner of Southern Avenue and Val Vista Drive.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-012, *conditioned upon the following:*

1. *Compliance with all documents submitted, except as modified by the conditions below;*
2. *The landscape area to the west of the new masonry wall screening the west-facing service bays shall be enlarged to six feet in width, measured from the outside west face of the wall.*
3. *All new landscape material shall be consistent with the existing, established landscape palette.*
4. *All new landscape islands in the parking lot shall be a minimum of eight feet wide.*
5. *Two 24" box size trees shall be placed in the foundation base landscape area to the west of the new screen wall.*
6. *An Administrative Design Review application shall be submitted and approved for the addition of the screen wall and modifications to the building.*
7. *All mechanical work must be done indoors with the exception of the wash pad.*
8. *Under no circumstance shall anything be stored overnight in the secured staging area.*
9. *All motorized vehicles, parts and equipment shall be brought indoors every night.*
10. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*

SITE CONTEXT

CASE SITE: Existing motorcycle dealership within group COI – zoned LC
NORTH: Existing residential and office development - zoned RM-2 PAD and OC
EAST: (across Val Vista Drive) Existing shopping center - zoned LC
SOUTH: (across Southern Avenue) Existing residential and retail - zoned RM-2 PAD, RM-4 and LC
WEST: Existing residential - zoned RM-2 PAD

STAFF SUMMARY AND ANALYSIS

The site is currently a motorcycle and small motorized vehicle dealership, with all vehicle display occurring indoors. Now that the business has been established, the applicant would like to add a service component. In doing so, a bay door would be installed on the west side of the building to accommodate the repair work being done indoors. The proposed bay door on the west side would be readily visible to the eastbound traffic on Southern Avenue so the applicant is proposing a 10 foot tall screen wall around the west side of the building to aide in screening the bay door. This screen walled area would provide extra space for maneuvering the motorized vehicles while in queue to be repaired.

The area on the west side of the building, where the secured staging area is being proposed is currently a landscape area. Under the original site plan from 1982, this additional space was approved to be used as a drive-thru. The drive-thru restaurant was never developed but in its place a Blockbuster was constructed that didn't need a drive-thru; thus creating an excess landscaped area.

The applicant would utilize the secured staging area for extra space to maneuver the motorized vehicles, loading and unloading and a wash station for the motorized vehicles. Under no circumstance would bikes be worked on in the screened area with the exception of the wash area. The applicant has cited the walled area would provide additional security for the bikes while they are being worked on since they are easy to load onto a truck and steal.

Required development standards have been modified since the Building was constructed in the early 1990's. A summary of the applicant's proposal and staff recommendations for the site is provided in the table below:

	Code Requirement	Applicant Proposed	Staff Recommended
Landscape Setbacks			
North	0'	0'	As proposed
East	0'	0'	As proposed
West	0'	0'	As proposed
Southern Ave.	15'	Approx. 5'	As proposed
Foundation Base			
North side of building	10'	14'	As proposed
East side of building	15'	Varies: 12'-15'	As proposed
West side of building	10'	8'	10'
South side of building	5'	14'	As proposed

The applicant is adding landscaping onto the property to meet the intent of the parking lot landscaping requirement. Additional landscaping is being added by the creation of several parking lot islands and around the new loading zone. On the west side of the building the applicant is proposing four shrubs and no trees. Staff has added a condition that two trees be added within the landscape area to bring that space further into compliance with Code.

Staff is recommending a condition of approval that addresses the foundation base on the west side of the building which deviates from the code requirement by 2 feet. The Zoning Ordinance requires 10 feet in this

location and the applicant is proposing 8 feet. Since the applicant can control the width of the foundation base in this location with the placement of the screen wall, staff is recommending the foundation base meet the required width of 10 feet. The recommended condition also supports one of the findings required for granting a SCIP which states the SCIP request cannot create any new non-conformities.

With the proposed modifications, the site will be in substantial conformance with current code. Physical improvements to the existing development constitute the greatest degree of compliance without full demolition of the existing site improvements. Full compliance with all requirements would significantly limit a lawful, permitted use of this site.

FINDINGS

1. The request is to add a secured, walled staging area in an existing landscape area to the west of an existing motorsport dealership.
2. The building was constructed in the 1990's; thus does not meet current development standards.
3. Currently the property does not conform with parking lot landscaping, foundation base, and setbacks adjacent to Southern Avenue.
4. The applicant is proposing to add additional landscape islands in the parking lot and additional landscaping on the property to meet the intent of the current development standards.
5. Full compliance with Code would require drastic modifications to the building, parking and parking lot circulation.
6. The proposed improvements will enhance the building and will be compatible and not detrimental to the adjacent properties.

ORDINANCE REQUIREMENTS:

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); 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.