

# Board of Adjustment

## *Staff Report*

**CASE NUMBER:** BA16-043  
**STAFF PLANNER:** Kaelee Wilson  
**LOCATION/ADDRESS:** 5020 East Main Street  
**COUNCIL DISTRICT:** Council District 2  
**OWNER:** FNS Ventures II, LLC  
**APPLICANT:** John Reddell

**REQUEST:** *Requesting a modification of an existing Substantial Conformance Improvement Permit (SCIP) and a Special Use Permit (SUP) to allow the addition of a finishing canopy for a car wash in the GC zoning district. (PLN2016-00566)*

### **SUMMARY OF APPLICANT'S REQUEST**

The applicant is requesting a modification to a previously approved SCIP and SUP (BA16-004) to allow a finishing canopy to encroach into the front setback.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of case BA16-043, *conditioned upon the following:*

- 1. Compliance with the site plan, landscape plan and sign plan submitted, except as modified by the conditions below.*
- 2. Compliance with all conditions of approval of case BA16-004.*
- 3. Seven trees and forty-two shrubs shall be planted along Main Street.*
- 4. Compliance with all requirements of the Development Services Division with regards to the issuance of building permits.*
- 5. All exterior modifications, including the finishing canopy, 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 previously approved case (BA16-004) contained a condition that required the existing unpermitted finishing canopies must be removed. Staff and the applicant have been working on an alternative location for the finishing canopy that meets the requirements of the carwash operation and various City departments. The area in which the finishing canopy is proposed is currently landscaping that is approximately 40 feet deep.

The applicant is proposing the new 50' x 28'-6" finishing canopy be placed along the Main Street frontage. The placement is 10' from the front property line, which is a 5' encroachment into the 15' front setback. As part of the request, the applicant will be closing the access drive from Main Street to the property to ease the flow of traffic. The primary access of the business will be from the property to the west with traffic exiting through the property on the east. There is a cross access easement in place.

### **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.

### **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.

### **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.