

Board of Adjustment

Staff Report

CASE NUMBER: BA16-066 (PLN2016-00738)
LOCATION/ADDRESS: 4755 E Main Street
COUNCIL DISTRICT: District 2
STAFF PLANNER: Lisa Davis, Planner II
OWNER: Shirley and Mary Properties-Terry McGuin
APPLICANT: James Wesala

REQUEST: *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to improvement standards for the development of a retail pad in an existing commercial group center in the LC zoning district.*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the addition of a retail pad for a 216 square feet (SF) ice house kiosk within an existing commercial center, Superstition Ranch Market, at 4755 E Main Street. The SCIP application requests to add a pad site to an existing non-conforming, group commercial site. In doing so, the SCIP application addresses the following: 1) a reduced landscape setback adjacent to Main Street and 48th Street; 2) a reduction to the amount of landscape material required for perimeter landscape; 3) a reduction of parking lot landscape islands, which are required to be installed every 8 parking spaces and; 4) elimination of a parking screen wall.

The proposed improvements to the site include:

- 1) Installation of a new retail pad site for the ice house kiosk;
- 2) Addition of landscape material adjacent to Main Street for a portion of the commercial center; and
- 3) Addition of landscape material within the foundation base area of the new 216 SF building.

The requested modifications would allow for the addition of a retail pad for an existing nonconforming site, without bringing the entire site into 100% conformance with current standards.

STAFF RECOMMENDATION

Staff recommends **approval** of case **BA16-066**, *conditioned upon following:*

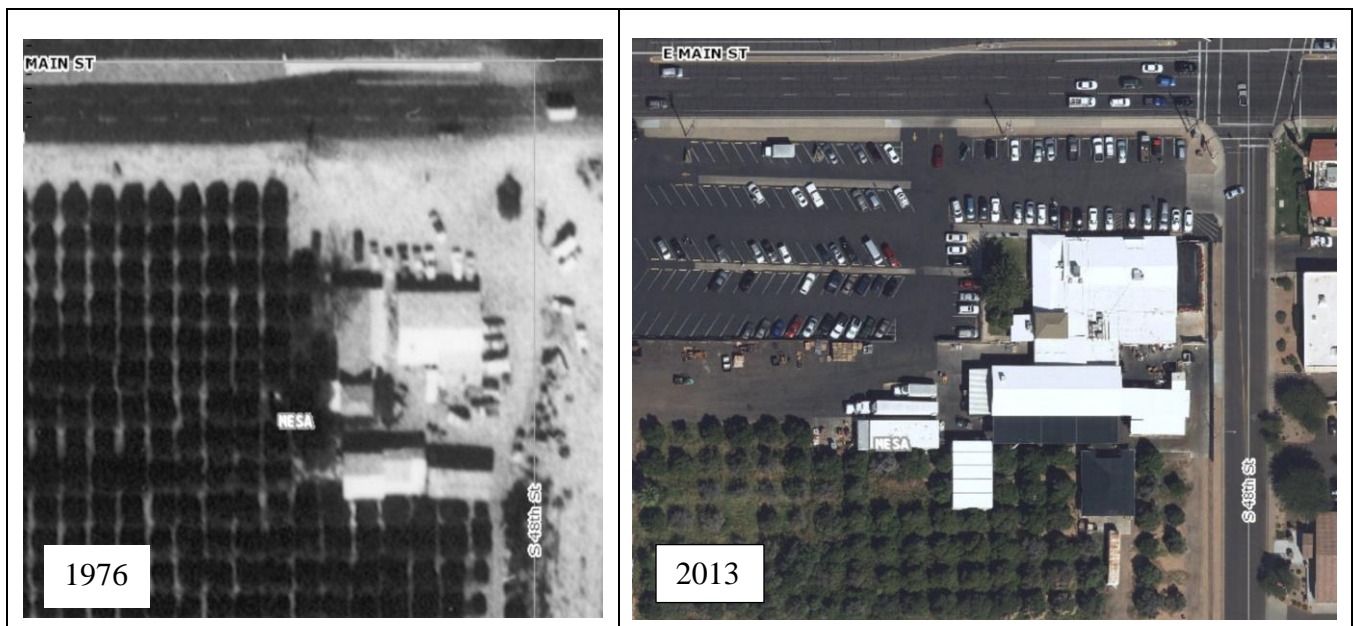
1. Compliance with the site plan and landscape plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of Site Plan approval.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
4. Review, approval and compliance with all requirements of Design Review showing compliance with Building Design standards in Mesa Zoning Ordinance (MZO) Section 11-6-3.C. **The kiosk shall be designed to be architecturally compatible with, and of similar quality of design as, the buildings in place in surrounding area.**
5. **Mechanical units shall be fully screened by the design of the building as required in MZO Section 11-30-9.**
6. **There shall be a minimum of three bicycle parking spaces provided on the site as per MZO Section 11-32-8.**
7. **Per MZO section 11-41-8.E, new sign permits cannot be issued until the unlawful and/or non-conforming signs are removed.**
8. **Revise the site plan to incorporate the full depth of the parking spaces at the west side of the ice kiosk into landscape area.**
9. **Add a landscape island at the western end side of the parking spaces to the north of the proposed building. Elimination of the western most parking space will be needed.**

CASE SITE: Existing commercial center – Zoned GC and LC
NORTH: (Across Main Street) Existing commercial – zoned GC
EAST: (Across 48th Street) Existing commercial – zoned LC
SOUTH: Existing groves and storage- zoned AG
WEST: Existing commercial – zoned GC

PROJECT DESCRIPTION

Existing overall commercial center: 2.0 ± acres
Proposed Ice kiosk retail building: 216 SF (9' x 23'-9")
Existing retail building: 8,231 SF
Existing Storage building: 3,230 SF
Existing Parking spaces for the center: 129 Spaces
Required Parking spaces for the center: 26 Spaces

STAFF SUMMARY AND ANALYSIS



The existing Superstition Ranch Market was annexed into the city of Mesa in 1974 (Ord 936). The comparable zoning Z75-025 took into consideration the existing fruit stand at the southwest corner of 48th Street and Main Street and zoned the 200' by 200' corner as GC to allow for the existing fruit stand. The remaining commercial area was zoned LC. The orchard to the south is currently zoned AG and has existing storage buildings.

The commercial project displays a number of illegal and non-conforming signs. Per MZO section 11-41-8.E, new signs cannot be issued until the unlawful and/or non-conforming signs are removed. The applicant is informed of this requirement and is showing the elevations of the ice kiosk with no signs. The elevations and landscape plan will need to be reviewed and approved through Design Review.

Development Standard	Code Requirement	Applicant Proposed	Staff Recommendation
<i>Setback for overall commercial center (building/landscape)</i>			
Main Street	15 feet	0 feet existing from future ROW	As proposed
48 th Street	25' building/landscape	0 feet existing	As proposed
West Property Line	15' building/landscape	15' building/ 0 feet landscape	As proposed
South Property Line	60' building	60' building	As proposed
Minimum Building Separation	25' between single story	13'-2"	As proposed
<i>Foundation Base for the ice kiosk pad</i>			
East elevation	5'	13'-2"	As proposed
North elevation	10'	110'-6"	As proposed
West elevation	15'	15'	As proposed
South elevation	10'	14'-5"	As proposed
<i>Landscape material for overall commercial center</i>			
Main Street	22 trees & 133 shrubs	5 trees & 48 shrubs	As proposed
48 th Street	15 trees & 62 shrubs	0	As proposed
West Property Line	4 non-deciduous trees	0	As proposed
<i>Landscape material at Foundation Base</i>			
	1 tree	2 trees total	As proposed
<i>Landscape Islands</i>	1 island/ 8 parking spaces	0	1 island at the north side of the kiosk

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications of improvement standards to add a new retail pad within an existing nonconforming commercial center. The new retail pad is proposed to be used as a 216 SF ice house kiosk. It will be a 24 hour un-manned walk up kiosk dispensing ice.

The new retail pad is proposed to remove a total of two parking spaces. The number of parking spaces provided within the overall center far exceed the minimum parking space number requirements. Required number of parking spaces is 26 spaces and the total number proposed after the removal of the two spaces is 127 spaces. Since the continued expansion of the original fruit stand, there has been building area added and parking lot developed. No landscape islands were installed with the development of the large parking field. Staff is recommending that one landscape island be added at the western most parking space just north of the proposed ice kiosk.

The proposed location of the ice kiosk the only currently landscaped location on the commercial site. The minimum foundation base requirements for the ice kiosk are proposed to be met. The minimum required building separation is 25' and the applicant is proposing 13'-2". Staff would support this request with the condition that the additional landscape area that is proposed to be provided between the buildings would also be provided at the west end of the ice kiosk. The site plan indicates a reduction in the parking space size that make the parking space unusable. Staff is recommending that that additional approximately 10' of the depth of the parking space be incorporated into the landscape area for the site. This additional landscape will tie in with the added landscape island as discussed in the paragraph above.

The overall commercial site does not have landscape setbacks or material adjacent to Main Street or 48th Street. With the installation of the ice kiosk they have proposed to add 5 trees and 48 shrubs adjacent to Main Street in the area in front of the store and ice kiosk. The proposed landscape material is an incremental improvement that is consistent with the addition of the retail pad.

As justification for the SCIP, the applicant has noted: 1) There is no demolition or reconstruction of any structures; 2) The site has more than minimum required parking; 3) Proposing foundation base that exceeds minimum requirements; 4) Proposed addition of landscape material adjacent to Main Street; and 5) The kiosk will be architecturally designed to be in harmony with the surrounding area.

Full compliance with current Code development standards would require significant demolition of buildings and alterations to the existing development site, including elimination of the north side of the commercial center and the disruption of vehicular circulation. Improvements to the site have been proposed that improve the site's overall compliance with current development standards.

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 buildings or other significant improvements to the site. Deviations to current development standards are necessary to accommodate the addition of a new retail pad for this commercial center. The deviations requested will allow the development of the site in a manner that is 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. The existing commercial center was annexed in the 1970's.
2. This application will allow for a 216 SF retail pad to be installed within the existing commercial center.
3. The minimum number of parking spaces, 26 spaces, will be exceeded with the proposed 127 spaces.
4. The proportionate amounts of the entire site will be brought into substantial conformance with the Zoning Ordinance. Full compliance with all development standards for the entire site is not proportionate to the degree of improvements related to the proposed ice kiosk. Requirements to meet the all required landscape setbacks will impact vehicle circulation to the north and west.
5. With the approved modifications, the improvements to the site will include installation of additional landscape material adjacent to Main Street and foundation base adjacent to the ice kiosk to bring the site into conformance with current codes per section 11-33.
6. The deviations requested are consistent with the degree of change requested and improve the site.
7. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
8. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

ORDINANCE REQUIREMENTS:

Section 11-73-1 Substantial Conformance Improvement Permits (SCIPs) Purpose and Applicability

The purpose of this chapter is to establish a review process by which improvement standards required by this Ordinance can be incrementally installed on non-conforming sites when such sites are enlarged; buildings are replaced, extended or have additions constructed; or other site modification developed. The intent 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 adopted by the Ordinance, and therefore bring non-conforming developments into substantial compliance with this Ordinance through approval of a Substantial Conformance Improvement Permit (SCIP).

Section 11-73-2 Allowed Modifications

The only development requirements that may be modified in a SCIP are building setbacks, landscaping design, on-site parking, building height, right of way dedication, and other site development provisions, contained in this Ordinance.

Section 11-73-3 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.