

Board of Adjustment

Staff Report

CASE NUMBER: BA17-013 (PLN2016-00858)
LOCATION/ADDRESS: 1155 S. Country Club Drive
COUNCIL DISTRICT: District 4
STAFF PLANNER: Lisa Davis, Planner II
OWNER: Nguyen Country Club Properties LLC
APPLICANT: Design Invision - Kathi Amen

REQUEST: *Requesting a Substantial Conformance Improvement Permit (SCIP) for the redevelopment of an existing retail building for an urgent care in the GC district.*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of an existing retail site, previously 7-Eleven, for an urgent care at 1155 S country Club Drive within an existing three building commercial center. The SCIP request is to reduce the required building and landscape setbacks, foundation base requirements, reduction in parking space requirements and elimination of the required screening of parking and circulation. The requested modifications would allow for the redevelopment of the 2,400 square feet (SF) building and site to be used as the more intense urgent care facility.

STAFF RECOMMENDATION

Staff recommends **denial** of the SCIP, case **BA17-013**.

CASE SITE: Existing commercial with three buildings – zoned GC
NORTH: Existing commercial – zoned GC
EAST: Existing vacant retail and industrial - zoned GC and LI
SOUTH: (Across Southern Avenue) Existing commercial – zoned GC
WEST: (Across Country Club Drive) Existing commercial – zoned LC

PROJECT DESCRIPTION

	Overall Commercial site
Site area	1.7± acre
Existing Building area	Furniture 9,000 SF Restaurant 1,157 SF Retail (Proposed Urgent Care) 2,400 SF
Code required minimum parking	22 spaces
Parking provided	22 spaces

STAFF SUMMARY AND ANALYSIS

The site was constructed in the mid-eighties and has remained in the same configuration. There are a total of three buildings on the site. This is a highly traffic volume intersection within the City of Mesa. The vacant 2,400 SF retail building at the northeast corner of Country Club Avenue and Southern Avenue is proposed to be re-purposed as an urgent care. An urgent care is considered a medical office/clinic use and is an allowed use in the GC district. The building was constructed as a convenience store/retail use, 7-Eleven. Changing from the retail use to the medical office is considered an intensification, principally because this use anticipates longer term parking needs, and requires a higher parking ratio. It addition, it also has a specific foundation base requirements designed to facilitate patient drop off.

The proposed improvements to the site are minimal and are not proportionate to the degree of change required for the more intense use.

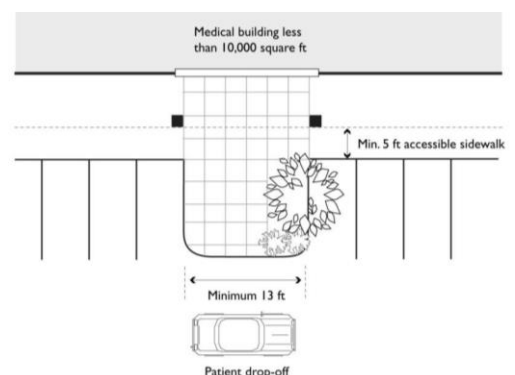
Development Standard	Code Requirement	Applicant Proposed
<i>Setback (building/landscape)</i> Country Club Drive Southern Avenue	15' 15'	0, 0'
<i>Foundation Base</i> West elevation North elevation East elevation	15' at the main entrance 5' 5'	6'-4" sidewalk with potted plants 0' 0'
Patient drop off area	13' wide extending from the main entrance	0'
<i>Landscape material</i> (adjacent to proposed urgent care) Country Club Drive-70' Southern Avenue-135'	3 trees & 18 shrubs 5 trees & 30 shrubs	0 trees & 10 shrubs 3 existing palm trees & 6 existing shrubs
<i>Landscape material at Foundation Base</i>	4 trees total	0 trees

Development standards require a 15' wide landscape setback measured from the future right of way (ROW). The future right of way for Southern Avenue could potentially be 75'. There is a current transportation study being conducted on Southern Avenue to determine if 75' is needed or if 65' is sufficient. If the typical 65' is required, when the Southern Avenue improvements are installed this would remove a portion of the building. If 75' is determined to be required, then a larger portion will be removed. The required ROW along both frontages neither frontage would allow for any landscape setback. Staff understands this is a limitation to the lot in the current configuration.

Within the landscape area adjacent to each ROW there is a total of 8 trees and 48 shrubs required. The applicant is proposing keep the existing 3 palm trees adjacent to Southern Avenue and install no additional trees. Per the MZO Chapter 11-33 (Landscaping), only 20% of the required perimeter trees can be palm trees. Staff is concerned with the three palms. A total of 8 trees is required adjacent to Country Club Drive and Southern Avenue and these are the only trees proposed for the site. The applicant is proposing to install a total of 10 new shrubs along the street frontage to add to the existing 6 shrubs totaling 16 shrubs. This is far below the required 48 shrubs.

The MZO also requires a minimum foundation base at all buildings. This building would require a minimum 15' wide foundation base at the west elevation because it is the main entrance of the building. The existing foundation base is about 6'-10". The applicant has proposed to install very narrow potted plants adjacent to the front elevation. Staff is concerned the narrow planters would not allow for any plant material to thrive.

MZO Section 11-33-5 further requires medical buildings with less than 10,000 Square Feet to have a 13-foot-wide patient drop-off area and shall be provided with at least one 5-foot-wide accessible sidewalk (See exhibit to the right). The applicant is proposing no changes to the foundation base of the building. The 15' requirement at the front



entrance along with the additional standards for a medical office building requiring a 13' wide patient drop off area. No patient drop-off is proposed for this site.

Limited landscape material, zero trees, 14 shrubs and 16 vegetative ground cover/accent plants are proposed to be added in the perimeter of the site. This is significantly less than is required adjacent to the street frontages and adjacent to the building in foundation base.

The ratio for parking of a retail building is 1 space to 375 SF of building area and the medical office use requires 1 space to 200 SF of building area. The applicant is proposing to add two parking spaces at the east side of the site. There are 10 parking spaces existing at the west side of the existing building. The four parking spaces that are adjacent Country Club do not meet parking space size requirements. The applicant has requested that these spaces be considered compact spaces. MZO 11-32-02.D allows for a site that has a minimum of 10 spaces, a maximum of 20% of total required parking spaces to be compact. For this site 12 spaces are required this would allow a maximum of 2 spaces to be compact. The applicant is proposing that four of the spaces be compact. This exceeds the allowance by 100%. Parking lot islands are required to be installed at the end of each row. No parking lot islands have been proposed for the site at the end of any of the proposed parking rows.

The building is proposed to be painted in a striped pattern. No upgrades to the entry elevation have been proposed. Currently the roof mounted mechanical units are highly visible. The applicant is proposing to replace a chain link fence in a small area at the north elevation and replace with a masonry wall. No changes, upgrades or changes are proposed to the elevations of the building other than the painting.

The existing non-conforming attached cabinet sign is required to be removed to meet minimum code requirements, MZO section 11-41. The applicant is proposing to install individual back lit letters. There are also two detached pole signs on the site. Both pole signs are non-conforming because of sign height, which in both cases exceeds the 12-ft maximum for detached signs. The pole sign at the south side of the building is required to be removed because it is considered 'discontinued'. The large pole sign at the intersection of Country Club and Southern Avenue will be allowed to remain because it is considered legal non-conforming or "grandfathered" because it is utilized by the Church's fried Chicken. The applicant is not proposing to make any upgrades to this sign.

As justification for the SCIP, the applicant has noted:

1. The attached cabinet sign at the front elevation will be replaced with back lit letters ;
2. Two parking spaces will be added at the east side of the site;
3. Proposal of additional landscape material and potted plants at the front entry;
4. The chain link fence at the north side of the building will be replaced with a masonry wall; and
5. The entire site will be brought into substantial conformance with development standards.

The intent of a SCIP is to recognize existing site constraints, evaluate the proposed change to the development of the site, and then work with the applicant to proportionately improve the property based upon current development standards. The proposed improvements do not constitute the greatest degree of compliance with current development standards without requiring demolition of existing buildings or other significant improvements to the site.

The numerous requested deviations to current development standards to allow the urgent care are not proportionate to the requested intensification of use. The existing non-conforming development and the further requested deviations will result in a development that will not proportionately improve the site.

The request creates further non-conformities on the site and cannot meet the findings required to approve a SCIP. Staff is recommending denial of the case.

FINDINGS for the SCIP:

1. The 1.7± acre site was developed in the mid 1980's.
2. The 2,400 SF retail building at the northeast corner of Southern Avenue and Country Club Drive is currently vacant, and has been for over 1-year.
3. The improvements proposed for the building and site are minimal and are not proportionate to the proposed intensified use, and do not provide modifications to the development of the site in a manner sufficient enough an urgent care clinic.
4. The urgent care is considered a medical clinic/office building and requires a 13' wide patient drop off area at the main entrance of the building. No patient drop-off area is proposed for the site. This would create a new non-conforming condition and does not meet the findings to approve the SCIP.
5. Full compliance with development standards would require demolition of the existing site improvements including removal of parking and circulation.
6. The deviations requested are not consistent with the degree of change requested to improve the site.
7. The proposed limited improvements will not bring the site into a closer degree of partial conformance with current standards.

ORDINANCE REQUIREMENTS:

Chapter 73, Substantial Conformance Improvement Permits (SCIP)

Section 11-73-1 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.