

Board of Adjustment

Staff Report

CASE NUMBER: BA17-019 (PLN2017-00032)
STAFF PLANNER: Cierra Edwards, Planner I
LOCATION/ADDRESS: 1353 E Mckellips Rd
COUNCIL DISTRICT: Council District 1
OWNER: SWFC Mckellips, LLC
APPLICANT: Stewart + Reindersma Architecture, PLLC-Sake Reindersma, AIA

REQUEST: *Requesting a Development Incentive Permit (DIP) to allow a modification to the Development Standards for a new drive through restaurant in the NC-PAD District.*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Development Incentive Permit (DIP) to allow for modifications to the development standards for the construction of a new Andy's Frozen Custard. The request is to allow for a reduction in the height of the 6' high screen wall required at the east property line adjacent to a single residence zoned property (RS-9). The single-story, 1,500 S.F building is proposed to be located on the east side of Stapley Road and south of Mckellips Road. The applicant is proposing a combination of a 40" screen wall with landscape material to replace the required 6' high screen wall.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA17-019 with the following conditions:

1. *Compliance with the site plan, landscape plan and elevations as submitted, except as modified by the conditions below.*
2. *Compliance with all requirements and conditions of approval for Design Review, DR16-035*
3. *Compliance with all requirements and conditions of approval for Planning and Zoning, Z16-053*
4. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

SITE CONTEXT

CASE SITE: Existing vacant land zoned NC PAD
NORTH: (Across Mckellips Road) Existing commercial zoned OC
EAST: Existing residential zoned RS-9
SOUTH: Existing residential zoned RS-9 and RM-3
WEST: Existing commercial zoned NC PAD

STAFF SUMMARY AND ANALYSIS

The Site Plan for the proposed Andy's Frozen Custard was recently approved by the Planning and Zoning Board on December 21, 2016 (Z16-053). The project went to a work session of the Design Review Board on November 8, 2017 but was approved January 9, 2017. The proposed drive through restaurant is shown at 1,500 square feet with exterior dining and a drive through that wraps the south and east side of the building. The site will be accessed from a driveway at East Mckellips Road and one at east June Street. The site was annexed in 1972. The property was originally part of the Royal Palms of Mesa Unit 2 Subdivision.



Vacant Parcel: Andy's Frozen Custard

Per Section 11-72 of the Mesa Zoning Ordinance (MZO) a Development Incentive Permit (DIP) may be approved to allow incentives for the development of parcels that meet the certain criteria. Below are the criteria:

A. Area.

1. *Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years;*

The site is 14,000-SF or .3 acres and has been in the current configuration for more than 10 years.

B. Utilities. *The parcel is served by, or has direct access to, existing utility distribution facilities.*

Utilities are directly accessible for the site.

C. Surrounding Development. *The parcel is surrounded by properties within a 1,200-foot radius in which:*

1. *The total developable land area is not more than 25 percent vacant; and*
2. *Greater than 50 percent of the total numbers of lots or parcels have been developed 15 or more years ago.*

The site meets the criteria.

Once the site qualifies as indicated above, the purpose of a DIP is to provide incentives for development of smaller tracts of land that have been bypassed by previous development. In order to be approved for incentives, the project must provide sufficient evidence to show the project is:

A. Consistent with the General Plan

The proposed use is consistent with the Mesa 2040 General Plan *Mixed Use Activity District-Community Scale* character area designation

B. Consistent with the surrounding area, not more intense

The proposed use is consistent with the surrounding uses in the area and is not more intense

C. The improvements need to meet the intent of the Development Standards of the MZO.

The proposed development with the approval of the DIP will meet the intent of the Development Standards

Aerial View from Mckellips Road



Conclusion:

The site qualifies for a DIP because it is 46,464 SF approximately (1.067±) acres. The parcels surrounding the vacant site have been developed for more than 15 years with residential and commercial use. The Mesa Zoning Ordinance (MZO) section §11-30-9 *requires that a screen wall of 6 feet in height be provided on the interior lot lines of any lot that contains any commercial use that abuts a residential district or residential use.* The request is for approval of the Development Incentive Permit (DIP) to allow a combination of a 40" high screen wall with landscape material to replace the required 6' screen wall at the east property line. The site abuts a residential

zoned property, RS-9. Currently the residentially zoned, RS-9, property to the east is used for a parking lot for the Desert Palms Golf Course. Staff does not believe the 6' high screen wall is needed in the area and supports the modification request. The developer is requesting to replace the 6' high wall with a lower 40" screen wall and landscape material. The proposed landscape material for used at the east side includes of Willow Acacia, Sissoo, Mexican Fan Palm, Evergreen Elm trees and various shrubs.

Staff finds the request is justifiable because the RS-9 site to the east of the site is currently used as a parking lot for the golf course and a 6' high wall is not needed. The reduced wall height and landscape material will be more visually appealing than a 6' wall.

FINDINGS:

1. The development conforms to the General Plan's description of a Mixed Use Activity and the Neighborhood Suburban character area.
2. The site is 46,464 SF (1.067) acres, which is considerably under the 2.5-acres maximum allowed for a DIP application, and the lot has been in its current configuration for more than 10 years.
3. The proposed building for Andy's Frozen Custard is a single-story, 1,500 SF building, depicted at 26'-2" in height.
4. The site has direct access to existing utility services.
5. The RS-9 single residence site to the east is utilized as a parking lot for the golf course.
6. The proposed drive through restaurant compares favorably with the level of development of existing and surrounding residential/commercial uses and developments.
7. Compliance with the Design Review approval will ensure that the level of architectural detailing and design elements on the building will meet the Design Standards listed in the Zoning Ordinance.
8. With the recommended conditions of approval, the landscape quantities and materials meet the intent of the development standards listed in the Zoning Ordinance.

ORDINANCE REQUIREMENTS:

Development Incentive Permits

11-72-1: Purpose and Applicability

Development Incentive Permits (DIPs) are intended to provide incentives for the development of smaller tracts of land that would have difficulty meeting current development standards, having been bypassed by previous developments, and where land assembly either is not available, or is available only to a limited extent.

11-72-3: Required Findings

A [DIP](#) shall not be granted unless the [Zoning Administrator](#), acting at the [Hearing Officer](#), or [Board of Adjustment](#) shall find upon sufficient evidence:

- A. The proposed development is consistent with the [General Plan](#), any other applicable Council adopted plans and/ policies, and the permitted uses as specified in this [Ordinance](#);
- B. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1200 foot radius of the by-passed property; and,
- C. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the [Design Standards](#) of this [Ordinance](#).