

Board of Adjustment

Staff Report

CASE NUMBER: BA17-034 - (PLN2017-00297)
LOCATION/ADDRESS: 5400 block of S. Power Road (east side)
COUNCIL DISTRICT: District 6
STAFF PLANNER: Kim Steadman, Senior Planner
OWNER: Dwight and Jori Udall
APPLICANT: ISOS Architecture, LLC – Brent Armstrong

REQUEST: *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards on the eastern portion of the lot for an existing industrial project in the LI District.*

SUMMARY OF APPLICANT'S REQUEST

The applicant requests a Substantial Conformance Improvement Permit (SCIP) for a nonconforming industrial site. Proposed development of another part of the same parcel, requires the existing development to come into substantial conformance.

STAFF RECOMMENDATION

Staff recommends **approval** of case **BA17-034**, conditioned upon the following:

1. Compliance with the site plan, landscape plan, elevations and narrative submitted, except as modified by the conditions below;
2. Compliance with all requirements and conditions of approval of zoning cases Z05-044, and Z17-011;
3. Compliance with all requirements and conditions of approval of Design Review case DR17-015;
4. Compliance with all requirements of the Development Services Division regarding the issuance of building permits;
5. **Provide dust-proofing material, such as decomposed granite on all non-paved surfaces of the site; and,**
6. **Add a screening wall along Saranac in conformance with ordinance requirements.**

SITE CONTEXT

CASE SITE: Existing industrial development – zoned LI, and undeveloped land – zoned LI and LC
NORTH: Multi-tenant retail– Zoned LC-PAD
EAST: undeveloped – Zoned LI
SOUTH: Existing industrial and residence – Zoned LC and LI
WEST: (Across Power Road, Town of Gilbert) agricultural use – zoned BP;
 (Across Power Road, Town of Gilbert) retail center – zoned RC

PROJECT DESCRIPTION

Industrial Site	
Full Parcel Area	2.43± acres
Subject Site Area	1.2± acres
Existing Building area	Fabrication Building 5,207 SF Warehouse 3,711 SF
Code required minimum parking	14 spaces
Parking provided	11 spaces

STAFF ANALYSIS

BACKGROUND: At the time of annexation, in 2005, this property had an established industrial use on the east portion of the site. Per the Mesa Zoning Ordinance (MZO) the LI zoning on that part of the site allows for the current use. The development standards of the site, however, are not in conformance with current MZO standards, making this an “existing, nonconforming use”. Such uses are required to come into conformance when development on the site is expanded, as in the recently-approved site plan for a commercial development on the west part of this parcel.

PROPOSED IMPROVEMENTS: The applicant proposes bringing the site into compliance with building setbacks by removing a portion of a large storage building. New paving is proposed to bring the access drive and parking area closer to compliance. Staff recommends a dustproofing surface, such as decomposed granite, on the remainder of the site. (See condition #5.) A screening wall is proposed along the north and west property lines. Staff recommends additional screening from Saranac, the road to the east of the site as well. The existing storage building fills about half of that frontage. Staff recommends adding a wall at the 20’ building setback. (See condition #6)

REQUESTED MODIFICATIONS: Code requires landscaping along the Saranac frontage. At this point, Saranac is not dedicated Right of Way, nor does it appear to be paved. There are existing, mature trees along that frontage. The applicant proposes retaining the existing mature landscaping in this location rather than complying with the specific tree/shrub counts. The property to the south is zoned LI, but is used as the residence of the property owner of the subject site. A solid screening wall is not required between two LI-zoned sites, and the existing wrought iron view fence is proposed to remain. The existing parking count has proven adequate for the site, but is deficient, per Code. Any future intensification of this industrial use would require a reevaluation of parking requirements. The applicant has also requested relief from required Right-of-Way dedication along Saranac. This request is being reviewed by City of Mesa Engineering and is not part of the requested action of the Board of Adjustment.

Development Standard	Code Requirement	Applicant Proposed
<i>Setback (building/landscape)</i>		
North Property Line - LC	20'	20'
East – Saranac, a local street (If 25' ROW dedication is required)	20' (20')	Varies: 19' to 22' (-3' to -6')
South – LI	0'	Varies
West – LI	0'	30'
<i>Foundation Base</i>		
Main Elevation w/parking	15'	0'
Other Elevations	5'	5'+
Parking	14 spaces	11 spaces
Dustproofing	On entire site	Some added pavement (Cond. #5)
<i>Screening</i>		
North Property Line LI / LC	-	-
East - Street Front	Required	6' – 8' block wall
South Property Line LI / LI	Required behind setback	Existing view fence (Cond. #6)
West Property Line LI / LI & LC	Not required	Existing view fence
	Required	6' – 8' block wall

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 modifications to the site bring the buildings into compliance with required setbacks, add required pavement and screen the site from the exterior. With the staff's conditions of approval, the SCIP will allow for the continued use of this property, while improving compliance with Code.

FINDINGS:

1. The industrial use existed on the site prior to annexation in 2005.
2. The deviations requested are consistent with the degree of change requested to improve the site.
3. The proposed improvements will bring the site into a closer degree of conformance with current standards.
4. The proposed improvements will not create new non-conforming conditions.
5. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

ORDINANCE REQUIREMENTS:

Chapter 73, Substantial Conformance Improvement Permits (SCIP)

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.