

Board of Adjustment

Staff Report

CASE NUMBER: BOA17-00303
STAFF PLANNER: Kim Steadman, RA – Senior Planner
LOCATION/ADDRESS: 122 N. Macdonald Street
COUNCIL DISTRICT: District 4
OWNER: Cleveland Enterprises, LLC
APPLICANT: Cleveland Enterprises, LLC - Shelly Udall

REQUEST: *Requesting a modification to a Special Use Permit (SUP) to allow the expansion of an office use on a site with a Class 1 Historic Building in the DR-2-HD District.*

SUMMARY OF APPLICANT'S REQUEST

This request involves an existing Special Use Permit (SUP) granted in 1999 to allow an office use in the DR-2-HD zoning district. The applicant is requesting a modification of the SUP to allow the expansion of the office use beyond the historic structure. Three additional buildings are proposed, toward the rear of the property. The new buildings will house two offices, an accessory dwelling unit, and storage space.

STAFF RECOMMENDATION

Staff recommends **approval** of case BOA17-00303, *conditioned upon the following:*

1. *Compliance with the project and associated site plan, as submitted, except as modified by the conditions listed below.*
2. *Approval of a Certificate of Appropriateness, and compliance with its conditions of approval.*
3. *Compliance with all requirements of the Development Services Division with regards to the issuance of building permits.*
4. *Any modification to the project as approved is subject to review to determine compliance with the SUP.*

SITE CONTEXT

CASE SITE: Office use in an existing single residence – zoned DR2-HD (Level 1 Historic Structure)
NORTH: Existing single residence – zoned RM2-HD (Historic Landmark)
EAST: (Across Macdonald) existing Queen of Peace church – zoned T4N
SOUTH: Existing City of Mesa parking lot – Zoned DB-1
WEST: Vacant – Zoned DR-2-HD

STAFF SUMMARY AND ANALYSIS:

The Mesa Zoning Ordinance (MZO) allows business and professional office uses on sites “designated as Class 1 Historic Buildings based on the City of Mesa Historical Survey, 1984” in the DR-2 zoning district. This site includes such a building. A SUP was granted in 1999 to allow an office use within the existing residence. The house was built in 1905, and is listed as a contributing structure in the West 2nd Street Historic District, created in 1999.

Under the existing SUP the house has been used for two professional offices, one for each of the property owners. After the proposed expansion, the house will retain one of the offices, to be used by an administrative

employee, with the other office being converted to a conference room.

The applicant proposes grouping the new buildings around a courtyard behind the historic house. The three buildings will house 1) a 540 SF office with a 280 SF accessory dwelling unit on the second floor, 2) a 416 SF office, and 3) a 130 SF storage building. The two offices will be for the property owners, and the living space will be for their incidental use. (The storage building and accessory dwelling unit are allowed uses, and are not subject to this request for a SUP.) The applicant has acknowledged that the modification of this historic site requires a Certificate of Appropriateness.

Staff finds the site and proposed expansion meet the requirements of Section 11-70-5 of the MZO for allowing an office use on a site with a Class 1 Historic Building. The scale of office use proposed for the site is appropriate to the surrounding residential neighborhood, and the design sketches suggest the buildings will be designed to fit within the historic context.

FINDINGS:

1. The subject site has a Class 1 Historic Building.
2. Approval of the request will advance the goals and objectives of and is consistent with the policies of the General Plan.
3. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the West 2nd Street Historic District and the DR-2 zoning district.
4. The addition of the Accessory Dwelling Unit is in keeping with the intent of the underlying residential zoning district, and provides the only residential use on the site.
5. A Certificate of Appropriateness is required for this modification within the West 2nd Street Historic District.
6. The Justification and Compatibility Statement identifies a limited range of activities which are appropriate to this location.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Section 11-70-5 – Special Use Permit:

11-70-5: Special Use Permit

- A. **Special Use Permit (SUP).** A SUP is a discretionary permit issued by the [Zoning Administrator](#) or [Board of Adjustment](#).
- B. **Uses Subject to Special Use Permits.** Uses requiring a SUP are established in the use tables in [Chapters 4 through 11](#).
- C. **Permit Requirements.** Permit requirements for some uses requiring a SUP are provided in [Chapter 31](#), Standards for Specific Uses and Activities.
- D. **Permit Application and Procedures.** The procedures for review and consideration of a SUP are as provided in the [Chapter 67](#), Common Procedures, except a citizen participation plan and report is not required.
- E. **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.
- F. **Revocation of Special Use Permits.** A Special Use Permit granted pursuant to this Chapter may be suspended, revoked, or modified by the [Zoning Administrator](#), after holding a public hearing to determine whether any condition, stipulation, or term of the approval of the Use Permit has been violated. At least 30-days notice shall be public hearing, and all of the noticing and hearing requirements of [Chapter 67](#) shall apply.