

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00041
STAFF PLANNER: Charlotte Bridges, Planner I
LOCATION/ADDRESS: 833 West Broadway Road
COUNCIL DISTRICT: District 4
OWNER: Denali Properties LLC
APPLICANT: Ernesto Taylor, Taylor Automotive Groups, LLC

REQUEST: *Requesting a Substantial Conformance Improvement Permit (SCIP) for deviations to standards for automobile/vehicle sales and leasing in the LI District.*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Substantial Conformance Improvement Permit (SCIP) for deviations from the development standards of the Mesa Zoning Ordinance (MZO) for an automobile/vehicle sales facility at 833 West Broadway Road and located in the LI District. This SCIP would bring the site into substantial conformance with the MZO, allowing the existing ±1,826 SF building to be remodeled into a vehicle sales office, and reconfiguring the site to accommodate automotive sales.

STAFF RECOMMENDATION

Staff recommends **approval** of case BOA18-00041 **with the following conditions:**

1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions below.*
2. *Compliance with all requirements of the Development Services Department in the issuance of building permits.*
3. *Provide a minimum of 6 trees in the front landscape area adjacent to Broadway Road. Trees sizes shall comply with MZO 11-33-3.A.6 requirements.*
4. *Provide an 8' tall masonry screening wall along the north side of the outdoor storage area.*
5. *Provide a minimum of 8 trees in the rear landscape area adjacent to the south property line. Trees sizes shall comply with MZO 11-33-3.B.2 requirements.*
6. *Provide a pedestrian connection from the building to the public right-of-way, include an alternative paving material for the crosswalk such as stamped or decorative concrete, pavers or similar finish (striping on asphalt is not acceptable).*

SITE CONTEXT

CASE SITE: Existing towing impound yard – Zoned LI
NORTH: (Across Broadway Road) existing storage yard – Zoned LI-CUP
EAST: Existing multi-tenant industrial development – Zoned LI-PAD
SOUTH: Existing multi-residential development – Zoned RM-4-PAD
WEST: Existing tow yard – Zoned LI

PROJECT DESCRIPTION

	Existing site	Proposed changes
Site area	±1.6 acres or 68,697 SF	none
Building area	1,826 SF	none
Parking = 1 space/375 SF GFA	5 spaces required	8 parking spaces provided plus additional auto display spaces

STAFF SUMMARY AND ANALYSIS:

Substantial Conformance Improvement Permit (SCIP):

This ±1.6 acres site consists of two parcels and is located on the south side of Broadway Road, approximately 300' west of Extension Road. Maricopa County Assessor records indicate that a single-family residence was constructed on the property in 1948. The site was annexed into the City of Mesa in 1949. In 1984, a rezoning request (Z84-079) was approved that changed the base zoning district from R1-6 to M-1 to accommodate the development of a used car sales facility. Then, in 2004, a Special Use Permit (BA04-029) and several variances were approved to legitimize an existing towing/impound lot which had replaced the car sales use on the site.

This SCIP request is to allow for the redevelopment of the site into an automobile/vehicle sales facility on the north 170 ft. of the site. The rear ±273 ft. of the site will remain as outdoor storage and may be redeveloped at a future date. The project includes remodeling the existing residence into a sales office. This requires a "change of occupancy" reviewed through the building permit process, which in turn triggers the requirement that the entire site be brought into full compliance with current MZO development standards. Also, the proposed auto sales use has specific development standards per MZO 11-31-5. Adding a new use that has specific development standards also invokes compliance with MZO. There are existing site improvements and constraints, and a SCIP has been requested for deviations to current development standards.

The table below is a summary of the minimum MZO requirements, applicant's proposal and staff recommendations for the site:

DEVELOPMENT STANDARDS:

Development Standard	Code Requirement	Applicant Proposes:	Staff Recommends:
Broadway Road – Right-of Way	65' (future width line)	40' (existing)	As proposed
<i>Setback (building/landscape)</i>	<i>(building/landscape)</i>	<i>(building/landscape)</i>	
Broadway Road	15'/15'	±47'/ Varies: 18'11"-20'2"	As proposed
East Property Line	0'/0'	±69'/ 0' plus landscape triangles	As proposed
South Property Line	20'/20'	N/A / Proposed: 20'	As proposed
West Property Line	0'/0'	±31/ Varies: 0' to 3'-2"	As proposed
<i>Landscape material</i>			
Broadway Road	6 trees/36 shrubs	4 trees/42 shrubs	6 trees/42 shrubs
East Property Line	0 trees/0 shrubs	0 trees/2 shrubs	As proposed
South Property Line	8 trees/ 0 shrubs	7 trees/31 shrubs	8 trees/31 shrubs
West Property Line	0 trees/0 shrubs	0 trees/0 shrubs	As proposed

Development Standard	Code Requirement	Applicant Proposes:	Staff Recommends:
<i>Foundation Base</i> North Elevation East Elevation South Elevation West Elevation	15' at the entrance 5' no entrance 15' at the entrance 5' no entrance	±5'-7" 8'-10" Varies: 8'10"-29'5" Varies: 3'2"-5'8"	As proposed As proposed As proposed As proposed
<i>Landscape material at Foundation Base</i>	4 trees	4 trees	As proposed
<i>Landscape islands 1 per 8 parking spaces</i>	4 islands	4 islands	As proposed
<i>Screening of parking areas from adjacent street (for auto sales)</i>	Varies in height from 12 to 18 inches. Shrubs and berms allowed	Combination of shrubs and berms	As proposed
<i>Outdoor Storage screening</i> Facing Broadway Road East Property Line South Property Line West Property Line	8' tall masonry wall 8' tall masonry wall 8' tall masonry wall 8' tall masonry wall	masonry wall (height not called-out) Existing 8' tall masonry wall Existing 6'-7' tall masonry wall Existing 7'-8' tall chain link fence	8' tall masonry wall As proposed As proposed As proposed
<i>Screening wall abutting residential district or use</i> South property line	8' tall	Existing 6'-7' tall masonry wall	As proposed
<i>Landscape area required in addition to perimeter and foundation base</i>	10%	10%	As proposed

The requested SCIP allows for the reduction of landscape area adjacent to the public right-of-way and foundation base on the northern portion of the site being redeveloped into the automobile/vehicle sales facility. On the rear portion of the site, it allows the outdoor storage area's existing 6'-7'-tall perimeter wall along the south property line and the existing 7'-8'-tall perimeter chain link fence along the west property line to remain. Also, the SCIP allows the outdoor storage area's ABC surface material to remain. In order to bring the site into substantial conformance with the MZO, these allowances are balanced with site improvements, which include:

- Converting the existing residence into an office
- Reconfiguring the site to provide new, customer parking spaces and vehicle display spaces.
- Organizing a logical drive aisle pattern
- Adding landscape area and material along Broadway Road, the south property line, in parking lot landscape islands and the foundation base of the building
- Installation of a new trash enclosure per the requirements of the Solid Waste Division
- Constructing a new 8'-tall masonry wall to screen the outdoor storage area from Broadway Road

MZO allows outdoor storage in the rear of the property, but only when screened by an 8'-tall masonry wall per the requirements of MZO 11-30-7.B.1. The requested SCIP allows the existing masonry wall along the south property line and the existing chain link fence along the west property line to remain. However, a new 8'-tall masonry wall is required along the north side of the outdoor storage area to meet current MZO standards. The existing 8'-tall masonry wall along the east property line meets the outdoor storage screening wall requirements.

As justification for granting the SCIP, that applicant has noted that full conformance with current code requirements would cause the demolition of the existing building, which would be a substantial loss to the value of the property.

Per the MZO Chapter 73, the intent of a SCIP is to recognize existing site constraints, and work with the applicant to proportionately improve the property based upon current development standards. The proposed improvements, and staff recommended improvements listed in the conditions of approval, constitute the greatest degree of compliance with current development standards without requiring demolition of existing buildings or other significant improvements to the site. Deviations to current development standards are necessary to accommodate the continued viable use of this site and its improvements. The deviations requested will allow the development of the site in a manner that is consistent with development at comparable sites. The deviations will result in a development compatible with and not detrimental to the surrounding neighborhood.

FINDINGS FOR SCIP:

1. This request for a SCIP would allow for the redevelopment a towing/impound yard to an automobile/vehicle sales facility
2. Changing the occupancy of the existing building from a residential use to an office use invokes conformance to current development standards.
3. Proposing a new use which has specific development standards (auto sales) invokes conformance to current development standards.
4. The deviations requested and the proposed improvements along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a greater degree of conformance with current standards.
5. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
6. Full compliance with current code would require removal or relocation of existing improvements.
7. The deviations requested along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a closer degree of conformance with current standards.
8. The proposed new improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.

ORDINANCE REQUIREMENTS:

11-31-5: Automobile Rentals; Automobile/Vehicle Sales and Leasing

Automobile Rental, and Automobile/Vehicle Sales and Leasing, each as described in Section 11-86-4, shall be located, developed, and operated in compliance with the land use regulations in Article 2 and the following standards:

- A. Landscaping. In addition to perimeter and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area.
- B. Vehicle Display. A maximum of 30 percent of the street side landscape area may be used for vehicle display. A minimum 12-foot wide planter strip shall separate vehicle display areas from sidewalks along the streets. Vehicle display encroachments wider than 30-feet shall be separated by a minimum distance of 30-feet between similar vehicle displays that encroaches into the street side landscape area (illustration needed).
- C. Vehicle Loading and Unloading. Vehicle loading and unloading shall occur on-site.
- D. Vehicle Display Platforms:
 - 1. Elevated platforms or other structures or devices used for the display of vehicles associated with an approved vehicle sales or rental facility are permitted, provided such platforms, structures, or devices:
 - a. Shall only be located in areas currently approved or authorized for vehicle display; and
 - b. Shall not project into or over required landscape areas, drive aisles, or fire lanes; and
 - c. Shall not be located closer to the public street than the existing, at-grade vehicle display area; and
 - d. Shall not exceed four feet (4') in height as measured from the mean finished grade of the display surface.
 - 2. Only one (1) vehicle shall be displayed on each platform, structure, or device.
 - 3. The number of display platforms, structures, or devices shall not exceed a ratio of one (1) per one hundred feet (100') of lineal street frontage of the at-grade display area (exclusive of driveways).
 - 4. The Design Review Board may approve modifications or variations to the above provisions when such platforms, structures, or devices are a component of a site development plan reviewed and approved in accordance with Section 11-18-9 of this Title. Such modifications or variations shall only be approved upon a finding by the Board that such platforms, structures, or devices:
 - a. Constitute a design component, or incorporate architectural features, associated with the primary buildings or structures on the development site; and
 - b. Serve only to enhance the visibility of vehicles, and do not display or portray an advertising message, or commercial signage; and
 - c. Will not impede or obstruct the visibility of traffic maneuvering on the development site or traveling upon the public-street; and
 - d. Incorporate increased setbacks, enhanced landscaping, or other screening measures to effectively mitigate the impact of the platforms.

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:

- E. 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.
- F. The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.