

# Board of Adjustment



## *Staff Report*

**CASE NUMBER:** BOA18-00325  
**LOCATION/ADDRESS:** 1150 West Southern Avenue  
**COUNCIL DISTRICT:** District 3  
**STAFF PLANNER:** Veronica Gonzalez  
**OWNER:** HH-Fiesta Commons, LLC  
**APPLICANT:** Neil Feaser, RKA Architects

**REQUEST:** *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the LC District.*

### **SUMMARY OF APPLICANT'S REQUEST**

Requesting a Substantial Conformance Improvement Permit (SCIP) for modifications to development standards of the Mesa Zoning Ordinance (MZO) to accommodate a building expansion for a new tire shop in an existing vacant building located at 1150 West Southern Avenue in the LC district. This SCIP request will bring the site into substantial conformance with the MZO and the site plan approved with case ZON18-00351.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of case BOA18-00325 *with the following conditions:*

1. *Compliance with the site plan submitted, except as modified by the conditions below;*
2. *Compliance with all requirements of the Development Services Division regarding the issuance of building permits.*
3. *Compliance with all requirements of case ZON18-00351.*

### **SITE CONTEXT**

**CASE SITE:** Existing vacant retail building – Zoned LC  
**NORTH:** Existing residential subdivision – Zone RS-6  
**EAST:** Existing shopping center – Zoned LC  
**SOUTH:** Existing shopping center – Zoned LC  
**WEST:** (Across Alma School Road) Vacant shopping center – Zoned LC

### **PROJECT DESCRIPTION**

#### **STAFF SUMMARY AND ANALYSIS:**

This request is to accommodate the reuse of a vacant retail building located within an existing shopping center at the northeast corner of Alma School Road and Southern Avenue. The vacant building sits on a pad site at the west end of the shopping center and will be redeveloped for a new tire shop. The applicant proposes a 502 square foot addition at the rear of the building and modifications to the site plan, which triggers full compliance with current MZO development standards. The intent of this SCIP request is to achieve a proportional degree of improvements that will bring the site into greater compliance with current development standards.

The table below is a summary of the minimum MZO requirements, the applicant's proposal and staff recommendations for the site. Items in bold face type indicate modification from code requirements:

**DEVELOPMENT STANDARDS:**

<b>Development Standard</b>	<b>Code Requirement</b>	<b>Applicant Proposes:</b>	<b>Staff Recommends:</b>
<i>Setbacks</i> Alma School Road (west) North Property Line	(landscape/building) 15'/15' 25'/25'	(landscape/building) ±11'/±16' ±5'/±73'	As proposed As proposed
<i>Minimum Separation between Buildings on Same Lot</i>	25'	<b>20'</b>	As proposed
<i>Foundation Base</i>	Exterior walls without Public entrance: 5' Min. Exterior walls with Public Entrance: 15' Min.	Varies: <b>0'</b> minimum	As proposed
<i>Landscape islands</i>	1 landscape island per 8 spaces	<b>1 landscape island per 9 spaces</b>	As proposed
<i>Screening of parking areas from adjacent street</i>	32" to 40" wall plus landscaping	32" to 40" wall and landscaping	As proposed
<i>Screening auto service bay doors between 100' and 200' of residential use:</i> North Property Line	Intervening building or 8' tall wall	8' tall wall and existing mature oleanders	As proposed

To bring life and activity to the existing shopping center, the applicant proposes a number of changes to an existing vacant retail building to be used as a tire shop. Changes include modification of site circulation, including an added landscape island, building modifications and refreshing the landscaping to improve the streetscape. The most significant change to the property is the addition of auto service bay doors to the north and south sides of the building to accommodate the proposed tire shop. Per Section 11-30-9F of the MZO, auto service bay doors located between 100' and 200' of an adjacent residential use shall be screened with an intervening building or an 8' tall screen wall. As the building currently sits on the property, the north wall is less than 100' from the adjacent residential neighborhood to the north. Staff worked closely with the applicant during the site plan review process through the Planning and Zoning Board to bring this element into conformance with current code. As a result, the applicant has committed to recessing the bay doors into the building such that they are 100' from the nearest residential property line as well as constructing an 8' screen wall and utilizing the existing mature oleanders along the north property line to mitigate any impacts this use may have on the neighborhood.

The intent of the SCIP in this case is to recognize existing site constraints and work with the applicant on incremental improvements that will facilitate redevelopment of the property. The proposed improvements are proportional to the degree of proposed change, and constitute the greatest degree of compliance with current

development standards without requiring demolition of existing buildings or other significant modification to the site. Existing deviations to current development requirements are necessary to accommodate the continued use of this site. The SCIP will result in a development compatible with and not detrimental to the surrounding neighborhood.

**FINDINGS:**

1. The site is zoned LC and is part of an existing shopping center.
2. Proposed modifications to the site include a 502 square foot building addition, addition of overhead doors, revisions to site circulation, addition of a landscape island, refacing the building and refreshing the landscaping.
3. Full compliance with current development standards would require removal or relocation of existing improvements.
4. The modifications requested are proportional to the degree of change and will bring the site into substantial conformance.
5. The proposed improvements will result in a development that is not detrimental to the adjacent properties or neighborhood.

**ORDINANCE REQUIREMENTS:**

**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.