

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00340
LOCATION/ADDRESS: 1160 East University Drive
COUNCIL DISTRICT: District 4
STAFF PLANNER: Veronica Gonzalez
OWNER: Whats Up Food Mart, LLC
APPLICANT: Abdul Slatewala, Architecture All & Assoc.

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 an outdoor eating area for a new restaurant in an existing vacant building located at 1160 East University Drive in the LC district. This SCIP request will bring the site into substantial conformance with the MZO.

STAFF RECOMMENDATION

Staff recommends **approval** of case BOA18-00340 **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. *Provide the required parking spaces per Mesa Zoning Ordinance Section 11-32-3 unless an administrative permit is approved for alternative compliance per Mesa Zoning Ordinance Section 11-32-7A.*
4. *Pedestrian connections to the public sidewalk shall be of a material that differs from the drive aisle.*
5. *Remove all discontinued signs. Any new signage shall comply with the Mesa Zoning Ordinance sign requirements in effect at the time a sign permit is requested.*

SITE CONTEXT

CASE SITE: Existing vacant convenience store building – Zoned LC
NORTH: Existing veterinary clinic – Zone LC
EAST: (Across Stapley Drive) Existing shopping center – Zoned LC
SOUTH: (Across University Drive) Vacant lot – Zoned LC
WEST: Existing commercial – Zoned LC

STAFF SUMMARY AND ANALYSIS:

Substantial Conformance Improvement Permit (SCIP)

This request is to accommodate the reuse of a vacant convenience store building located at the northwest corner of Stapley and University Drives. The vacant building will be redeveloped for a new restaurant. The applicant proposes to add a 400 square foot outdoor dining area, 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 for a SCIP and staff recommendations for the site. Items in bold face type indicate modification from code requirements:

| DEVELOPMENT STANDARDS: | | | |
|--|---|--|--|
| Development Standard | Code Requirement | Applicant Proposes: | Staff Recommends: |
| <i>Setbacks</i> University Drive (south) Stapley Drive (east) | <i>(landscape/building)</i> 15'/15' 15'/15' | <i>(landscape/building)</i> ±18'/±68' ±5'/±57' | As proposed As proposed |
| <i>Foundation Base</i> North Elevation West Elevation South Elevation East Elevation | 5' 5' 15' 15' | 30' 4' 18' 10' | As proposed As proposed As proposed As proposed |
| <i>Landscape islands</i> | 1 landscape island per 8 spaces | 1 landscape island per 7 spaces | As proposed |
| <i>Screening of parking areas from adjacent street</i> | 32" to 40" wall plus landscaping | 36" wall and landscaping | As proposed |

The requested SCIP would allow reductions in setbacks and foundation base to accommodate changes to an existing vacant convenience store building for use as a new restaurant. Changes to the site include additional parking spaces along Stapley Drive, addition of a 400 square foot outdoor dining area, building façade modifications and updated landscaping to improve the streetscape. The property also includes an existing sign which has been discontinued for more than six months. In accordance with Section 11-41-2.C of the MZO, all discontinued signs must be removed. Any new signage shall comply with MZO sign requirements in effect at the time a permit for signs is requested (see condition #5).

The intent of the SCIP in this case is to recognize existing site constraints while applying 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 all or a portion of the existing building 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 that will improve the existing streetscape and will not be detrimental to the surrounding neighborhood.

Off-Site Parking

The applicant has put a tremendous amount effort into bringing this site into substantial conformance with current development standards. However, due to existing site constraints, parking has been a significant challenge in allowing this site to be redeveloped for the proposed new use. Currently, the site plan does not

show the required parking spaces (per the MZO a total of 35 spaces is required). The applicant has a separate request for Zoning Administrator approval of an alternative parking permit (MZO Section 11-32-7). The applicant must comply with the requirements in the Mesa Zoning Ordinance (Condition #3) unless the Zoning Administrator grants an alternative parking permit.

FINDINGS:

1. The site is zoned LC and is a vacant building that has been unused for many years.
2. Proposed modifications to the site include additional parking spaces, a 400 square foot outdoor dining addition, a new building facade and updated 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.