

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00954
LOCATION/ADDRESS: Within the 500 block of South Drew Street (east and west sides)
COUNCIL DISTRICT: District 4
STAFF PLANNER: Cassidy Welch, Planner I
OWNER: Drew Street Properties, LLC
APPLICANT: John Manross, Design Professionals, LLC

REQUEST: *Requesting in the General Industrial (GI) District: 1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards; and 2) a Special Use Permit (SUP) to allow for the reduction in required parking; and 3) a Special Use Permit (SUP) to allow for off-site parking.*

SUMMARY OF APPLICANT'S REQUEST

The purpose of this request is to allow modifications to development standards of the Mesa Zoning Ordinance (MZO) for the expansion of an existing industrial use located within the 500 block of South Drew Street in the GI district. This SCIP request will allow for proposed improvements to the site that are in proportion to the modifications needed to bring the site into substantial conformance with the MZO development standards. A Special Use Permit (SUP) is requested to allow 1.) Off-site parking and 2.) reduction in the number of required parking spaces.

STAFF RECOMMENDATION

Staff recommends **approval** of case BOA18-00954 **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 Department regarding issuance of building permits.*
3. *Compliance with the conditions of case ZON18-00847.*
4. *Prior to submittal of a building permit, a copy of a recorded Off-site parking agreement among the property owners of 525, 536, and 539 S Drew Street and must be filed with the Zoning Administrator in compliance with MZO Section 11-32-7.C.*

SITE CONTEXT

CASE SITE: Existing industrial – Zoned GI
NORTH: Existing industrial – Zoned GI
EAST: (Across Center Street) Existing industrial – Zoned LI
SOUTH: Existing industrial – Zoned GI
WEST: (Across Drew Street) Existing industrial – Zoned GI

PROJECT DESCRIPTION

	Existing site	Proposed changes
Site area	±2.4 acres	none
Building area	20,984 SF	15,000 SF addition
Parking	43 spaces required	39 spaces provided (24 off site & 15 on-street)

STAFF SUMMARY AND ANALYSIS:

Substantial Conformance Improvement Permit (SCIP):

The intent of this SCIP request is to achieve a proportional degree of improvements and enhance the site to be in greater compliance with current development standards. This proposed SCIP request will allow an addition at the north side of the existing building. Per MZO Section 11-1-04: General Rules for applicability of Zoning regulations, the 15,000 square feet (SF) addition of to the existing building requires compliance in accordance with the provisions of the Ordinance. This means full compliance for the entire site that could result in the removal of buildings, parking or circulation of the site. The Substantial Conformance Improvement Permit (SCIP), if approved, allows for modifications to current development standards to allow existing non-conforming sites to make improvements in proportion to the modifications requested.

The existing building at 539 S. Drew Street was originally constructed in the 1970's. The employment use, SWD Urethane wants to expand the existing building. The site is currently surrounded by a chain link fence, contains open outdoor storage and outdoor activities that is highly visible from Center Street. The outdoor activities include loading and unloading of trucks that occurs on the currently vacant lot north of 539 S. Drew. There are no parking spaces on the existing site.



Table 1 below is a summary of the minimum MZO requirements and the applicant's proposal based on the existing constraints of the site. Staff is in support of the identified modifications in the table below. Items in bold face type indicate modifications from code requirements:

Table 1		
Development Standard	MZO Requirement	Applicant Proposes:
<i>Setback (landscape/building)</i>	<i>(landscape/building)</i>	<i>(existing landscape/building)</i>
Drew Street	20'/20'	0'/±23'
North Property Line	0'/0'	0'/0'
East Property Line	0'/0'	0'/±21'
South Property Line	0'/0'	0'/0'
<i>Landscape material</i>		
Drew Street	20 trees/120 shrubs	0 trees/0 shrubs
North Property Line	0 trees/0 shrubs	0 trees/0 shrubs
East Property Line	0 trees/ 0 shrubs	0 trees/0 shrubs
South Property Line	0 trees/0 shrubs	0 trees/0 shrubs
<i>Foundation Base</i>		
North Elevation	0'	0'
East Elevation	5' no entrance	0'
South Elevation	5' no entrance	0'
West Elevation	15' at the entrance, 900 SF entry plaza	0', no entry plaza

The proposed SCIP would allow for existing conditions to remain on the site through the identified modifications in table 1 to allow for the improvements to occur. The applicant is proposing to remove the existing chain link fence surrounding the site and screen the open outdoor storage that is not in compliance with MZO requirements, Section 11-30-7: Outdoor storage. Proposed improvements to the site include:

- A 15,000 SF building addition to enclose activities currently occurring on the open lot.
- Installation of a new 8' CMU wall to screen the entire site. The proposed 8' decorative masonry screen wall with gates will bring the site into conformance with MZO screening requirements. All outdoor stored materials will be required to be screened in compliance with MZO Section 11-30-7.
- Through the Special Use Permit (SUP) process off-site parking is proposed for the project across the street at 536 S. Drew Street.

Per MZO Chapter 73, the intent of a SCIP is to recognize existing site constraints, and work with the applicant to proportionally improve the property based upon current development standards. 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. Adjustments to the required current development standards are necessary to accommodate the continued use of the site in a manner that is consistent with developments at comparable sites. The SCIP will result in a development that will improve the existing streetscape and will not be detrimental to the surrounding neighborhood.

FINDINGS for SCIP:

1. The existing structures were constructed in the 1950's. At the time of initial development, the setbacks, foundation base, and landscape requirements of the Zoning Code varied from the development standards of the current Code.
2. This request for a SCIP would allow for expansion of an existing industrial use.
3. Full compliance with current code would require removal of the existing building and would impact site circulation.
4. The modifications requested and the proposed improvements including an 8' high decorative CMU wall 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 new 15,000 SF addition meets required development standards and does not create a new non-conformity.
6. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Special Use Permit (SUP) for off-site parking and parking reduction:

The MZO determines the required number of parking spaces based on the use and the size of the building. Table 2 below is a summary of the parking requirements per MZO Table 11-32-3. A and the existing number and proposed number of parking spaces.

Table 2				
Use	Parking Ratio	Number of Spaces Required	MZO total required	Total existing and proposed
Existing Industrial @ 5,246 SF	1 space/600 SF	17 spaces	43 total spaces required	0 existing parking spaces
Existing Warehouse @ 15,738 SF	1 space/900 SF	9 spaces		Proposed through SUP total of 39 spaces (24-off-site and 15 on-street)
Proposed Warehouse @ 15,000 SF	1 space/900 SF	17 spaces		

The existing site was developed in the 1970's without on-site parking. At this point, providing the 43 required on-site parking spaces is a significant challenge for continued use of the site. To start to address the need for parking spaces, the applicant is requesting a Special Use Permit (SUP) for an alternative compliance parking plan for off-site parking and for a reduction in the number of parking spaces. Most of the required parking, 24 of the proposed 39, will be located at 536 South Drew Street, directly across Drew Street from the subject site. All sites are currently owned by SWD Urethane, the same property owner. According to the narrative provided by the applicant, 536 S. Drew Street has a total of 40 existing parking spaces. Only 16 parking spaces are required based on the current office use of the building. The applicant is proposing to utilize the remaining 24 parking spaces for off-site parking needed for 540 S. Drew Street. MZO 11-32-7 permits an alternative compliance parking plan for off-site parking by obtaining approval of a SUP. Standards for the off-site parking are the following:

- No off-site parking space may be located more than 1,000 feet from the primary entrance of the use served.
The proposed off-site parking is located within 1,000 feet of the primary entrance of the subject site.
- An agreement providing for the use of off-site parking, executed by the parties involved and recorded with the County Recorder's Office, must be filed with the Zoning Administrator.
The off-site parking is located on the parcel across Drew Street. It is owned by the same property owner. Although all properties are owned by the same entity, a parking agreement would still be required. (Condition #4)

In addition to the 24 off-site parking spaces, the applicant had indicated that a total of 15 on-street parking is located directly adjacent to the project. This would bring the total number of parking spaces provided for the site 39 spaces. This is still deficient of the required 43 spaces; therefore, the applicant is also requesting a SUP for reduction in the number of parking spaces.

The applicant is requesting a parking reduction of 4 spaces from the required 43 spaces to a total of 39 spaces. The applicant has indicated that the proposed off-site and on-street parking will meet the needs of the business and will not detrimentally impact surrounding development. The applicant has indicated that while the applicant is proposing an expansion of the warehouse, there will be no increase in business or need for additional employees. The purpose of the proposed addition will be to relocate some of the existing outdoor storage to an indoor facility. The applicant has indicated that there is a maximum of 30 employees at each shift and believes the proposed number of parking spaces exceeds the needs of the business.

Per MZO 11-32-6.B, approval of a SUP for reduced parking requires the following findings:

Special conditions – including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site – exist that will reduce parking demand at the site;	<i>The subject site is being used as storage and the addition of parking on site will require significant redesign of the site. No clients visit the site.</i>
The use will adequately be served by the proposed parking; and	<i>The applicant has indicated that the required parking exceeds the needs of the business and only a small number of employees, 30, come to the site daily.</i>
Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.	<i>The proposed addition will improve the on-street parking and surrounding development by relocating the current on-street loading and unloading on to the subject site. No detrimental impact is expected.</i>

For a Special Use Permit to be approved, the proposed SUP must conform to the required findings as identified in MZO Chapter 69. The proposed project conforms to all of the review criteria for a SUP and is consistent with the goals and objectives of the General Plan and with surrounding development. The proposed project will not be detrimental to the surrounding properties and will improve the surrounding area.

FINDINGS for SUP:

1. The proposed addition will help alleviate on-street parking by relocating the current on-street loading and unloading of commercial vehicles to and onto the subject site.
2. The required parking exceeds the needs of the existing business as no sales are located on-site and the number of employees that serve the site is limited.
3. The proposed off-site parking is located within the immediate vicinity of the subject site.

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.

11-70-5: Special Use Permit

- 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.

11-32-6: Parking Reductions

Required parking for any use may be reduced through approval of a Special Use Permit, pursuant to Chapter 70, unless specified otherwise, and the following:

- A. Criteria for Approval. A Special Use Permit for reduced parking shall only be issued if the following criteria are found to be true:
 1. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site—exist that will reduce parking demand at the site;
 2. The use will adequately be served by the proposed parking; and
 3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

11-32-7: Alternative Compliance with Minimum Parking Requirements

Applicants seeking approval of an alternative compliance parking plan must secure approval of a Special Use Permit, pursuant to Chapter 70.

- C. The Zoning Administrator may permit all or a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of the Section.
 1. Location – No off-site parking space may be located more than 1,000 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route.
 2. Off-Site Parking Agreement – An agreement providing for the use of off-site parking, executed by the parties involved, must be filed with the Zoning Administrator, in an approved form. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking, and shall be recorded with the County Recorder's Office. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this Chapter.