

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00926
STAFF PLANNER: Cassidy Welch
LOCATION/ADDRESS: Within the 4400 block of East University Drive (north side)
COUNCIL DISTRICT: District 2
OWNER: LFLP Greenfield, LLC
APPLICANT: On Point Architecture

REQUEST: *Requesting in the LC District: 1) a Development Incentive Permit (DIP) to allow modifications to development standards; and 2) a Variance to allow a monument sign to be placed in the future width line of the right-of-way.*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a Development Incentive Permit (DIP) to allow modifications to certain requirements of the City's development standards, including landscape and setback standards as incentive to the development of a bypassed parcel. As part of the request, the applicant is also requesting a variance to allow a new monument sign to be placed in the future right-of-way. The site is located within the 4400 block of East University Drive which is east of the northeast corner of Greenfield Road and University Drive.

STAFF RECOMMENDATION

Staff recommends **approval** of case **BOA18-00926**, conditioned upon the following:

1. *Compliance with the site 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. *Compliance with all requirements of case ZON18-00925.*
4. *Compliance with all requirements of Design Review.*
5. *All signs shall comply with the approved Comprehensive Sign Plan (BA88-008), or any future modifications to the Comprehensive Sign Plan.*
6. *As required by Mesa Zoning Ordinance Section 11-47-7, prior to the issuance of a sign permit:*
 - a. *The sign owner must enter into the City's sign agreement indicating that the sign owner is responsible for the cost of relocating the sign, at the owner's expense, to an authorized location outside the right-of-way when the right-of-way is widened or when required by the City.*
 - b. *The sign owner must submit a Certificate of Insurance that complies with the City's current insurance requirements.*

SITE CONTEXT

CASE SITE: Vacant – zoned LC
NORTH: Existing commercial center – Zoned LC
EAST: Existing commercial – Zoned LC
SOUTH: (Across University Drive) Existing manufactured home park – Zoned RM-4
WEST: Vacant – Zoned LC

STAFF SUMMARY AND ANALYSIS:

Development Incentive Permit (DIP)

The intent of a DIP is to provide incentives for the development of smaller tract of land that would have difficulty meeting current development standards. The applicant is requesting a DIP for modifications to certain current development standards to allow development of an approximately .38±-acre vacant site including a 3,103 SF commercial building with associated drive-thru. The subject site qualifies as a by-passed parcel as it is less than 1 acre and has been in its current configuration for more than 10 years, has access to City utilities, is within an area where not more than 25% of developable land is vacant and more than 50% of the parcels have been developed for more than 15 years.

The intent of the DIP is to provide some relief from certain Mesa Zoning Ordinance (MZO) required standards that will result in a development that is commensurate with existing development in the area. An additional 10' future right-of-way at University Drive is required by the City that will further constraints on the site. The applicant is requesting a modification to the landscape setback adjacent to University Drive required at 15' and proposed at 5' measured from the future right-of-way line. The proposed commercial building offers a compatible use to surrounding development in the area. The site is surrounded by a commercial center that has cross access and shared parking that will provide required parking within the group commercial center. Given the constraints of the parcel, the applicant has been able to provide a site plan that complies with the majority of MZO development requirements. The project received Site Plan Review approval by the Planning & Zoning Board on February 20, 2019 as case ZON18-00925.

Table 1 below compares Mesa Zoning Ordinance (MZO) requirements, applicant's proposal and staff recommendation for the site. Items in **bold face type** indicate deviation from code requirements:

Table 1 Development Standards

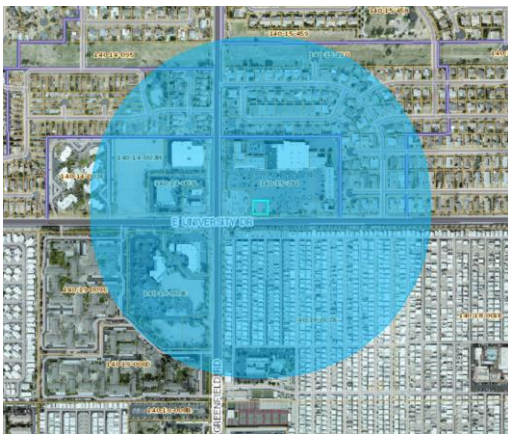
Development Standard	MZO Requirement	Applicant Proposed	Staff Recommends
North Property line	0' building setback/ 0' landscape setback	10.5'/0'	As proposed
East Property line	0' building setback/ 0' landscape setback	18'/0'	As proposed
South – University Drive Setback	15' building setback/ 15' landscape setback	21'/ 5'	As proposed
West Property Line	15' building setback/ 5' landscape setback	16'/5'	As proposed
Foundation Base	Exterior walls with Public Entrance: 15' Min. Exterior walls without Public Entrance: 5' Min.	15' average 7'	As proposed As proposed

Section 11-72-1 of the MZO requires that parcels meet the following criteria for a Development Incentive Permit (DIP):

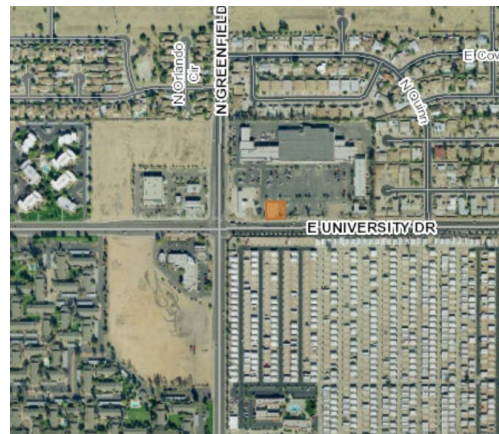
Criteria:	Staff Analysis:
AREA MZO 11-72-1.A.1: Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years.	The total area of the site is ±0.38 acres and has been in its current configuration for more than 10 years.

Criteria:	Staff Analysis:
UTILITIES MZO 11-72-1.B: The parcel is served by, or has direct access to, existing utility distribution facilities.	The parcel has access to City of Mesa utilities in University Drive.
Surrounding Development MZO 11-72-1.C: The parcel is surrounded by properties within a 1,200-foot radius in which: <ol style="list-style-type: none"> 1. The total developable land area is not more than 25 percent vacant; and 2. Greater than 50 percent of the total numbers of lots or parcels have been developed 15 or more years ago. 	From staff review and analysis, only a handful of surrounding sites are developed within 1200' radius surrounding the property. The City's 2004 aerial photo shows more than 50% of available lots were developed more than 15 years ago.

1,200-Foot Buffer – Current Aerial Photo



2004 Aerial Photo



MZO 11-72-3 states that a DIP shall not be granted unless the Board of Adjustment finds sufficient evidence based on the following criteria:

Required Finding	Staff Analysis:
A. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and policies, and the permitted uses as specified in this Ordinance;	The development is consistent with the General Plan designation for this area of "Neighborhood Village".
B. The incentives do not allow development that is more intense than the surrounding neighborhood/ commensurate with existing development within a 1,200' radius of the by-passed property; and	The incentives will allow for infill development that is commensurate with existing development within 1,200 feet radius of the property.
C. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.	The Design Review Board discussed the project during their January 8, 2019 Work Session and recommended minor modifications to the plan. A Site Plan associated with the project was reviewed and approved by the Planning and Zoning Board on February 20, 2019. The proposed project meets the intent of the Design Standards of the Ordinance.

FINDINGS:

1. The site is ±0.38 acres and has been in its current configuration for more than 10 years.
2. The site is served by, or has direct access to, existing utility systems.
3. The total developable land area within 1,200' of the site is not more than 25% vacant.
4. Greater than 50% of lots within 1,200' of the site have been developed for more than 15 years.
5. This request for a DIP will allow for the development of a bypassed parcel.
6. The proposed development is consistent with the General Plan designation in this area, which is "Neighborhood Village".
7. The requested modifications are necessary to accommodate the proposal and will result in a development that is commensurate with existing development in the vicinity.
8. Compliance with Site Plan Review approval (Case# ZON18-00925) and Design Review approval (Case# DRB18-00927) to ensure the level of site improvements, architectural detailing and design elements on the building will meet the intent of the Design Standards of the MZO.

VARIANCE

The applicant is requesting a variance to allow a detached monument sign to be located within the future right-of-way as required by Section 11-47-7 of the MZO. An approved Comprehensive Sign Plan (CSP) exists on the site (Case #BA88-008). The proposed monument sign and any additional future signs will be required to comply with the CSP, and all design standards outlined in MZO Section 11-43-2, unless modified through the approved CSP (see Condition #5 of this report). Before a permit can be issued for a detached sign to be placed in the future right-of-way, a variance must be obtained, the sign owner must enter into a sign agreement with the City of Mesa, and current insurance requirements must be provided. (see Condition #6 of this report).

Section 11-80-3 of the MZO outlines required findings for granting of a variance. Below is the listed criteria and staff analysis of how the request conforms to the required findings:

Required Finding:	Staff Analysis:
A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings; and	At the time the parcel was created (1989), the right-of-way line was 55'. The City of Mesa increased future right-of-way requirements to 65' after the parcel was created.
B. That such special circumstances are pre-existing, and not created by the property owner or appellant; and	The right-of-way was imposed by the City of Mesa, not the applicant.
C. The strict application of the Zoning Ordinance will deprive such property of privileges enjoyed by other properties of the same classification in the same zoning district; and	Strict application of the Code would deprive the applicant of a monument sign which is a standard for most commercial developments.
D. Any variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.	The variance request does not constitute a grant of special privileges. There is an existing monument sign for the greater commercial center located within the future width line of the right-of way.

FINDINGS:

1. The variance is required to allow a monument sign to be placed within the future width line of the right-of-way.
2. The parcel was created in 1989 when the required right-of-way width was 55'.
3. After the creation of the lot, the required future right-of-way width was increased to 65'.
4. Placing the monument sign outside of the future right-of-way, would impose an unfair restriction on

- the applicant by not permitting detached signage.
5. The existing monument sign for the group commercial center surrounding the site is placed within the future right-of-way.
 6. The proposed size, height and setback from existing detached signs will meet current MZO requirements.

ORDINANCE REQUIREMENTS:

Mesa Zoning Ordinance 11-72-3: Development Incentive Permits

Required Findings. A DIP shall not be granted unless the Zoning Administrator, acting as the Hearing Officer, or Board of Adjustment shall find upon sufficient evidence:

- A. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/ policies, and the permitted uses as specified in this Ordinance;
- B. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1200-foot radius of the by-passed property; and
- C. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.

MZO 11-80-3: Variance Required Findings:

A variance shall not be granted unless the Zoning Administrator, when acting as a Hearing Officer, or Board of Adjustment shall find upon sufficient evidence make a determination:

- A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, and
- B. That such special circumstances are pre-existing, and not created by the property owner or appellant; and
- C. The strict application of the zoning Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
- D. Any variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.