



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

April 3, 2019

CASE No.: BOA18-00994	CASE NAME: Kadkhoda LLC Car Lot
Owner's Name:	Kadkhoda, LLC.
Applicant's Name:	Pedram Kadkhodaian
Location of Request:	Within the 200 block of south Alma School Road (east side) and the 1100 block of west Birchwood Avenue (north side)
Parcel Nos:	134-05-034 and 134-05-001C
Nature of Request:	Requesting a Development Incentive Permit (DIP) for certain modifications to required development standards on the property
Zone District:	General Industrial (GI)
Council District:	4
Site Size:	14,099 SF or .3± acres
Proposed Uses:	Auto sales
Existing Use:	Primarily unimproved but contains a billboard and shade structure
Hearing Date(s):	April 3, 2019 / 5:30 p.m
Report Date:	March 19, 2019
Staff Planner:	Lisa Davis, AICP
Staff Recommendation:	APPROVAL with 4 Conditions

HISTORY

On December 21, 2016, the Planning and Zoning Board approved a site plan (case# Z16-060) to allow development of a 14,099 square feet (SF) site with a 637 SF building on the property. The approval included a requirement for dedication of right of way at Alma School Road.

On January 4, 2017, the Board of Adjustment approved a Development Improvement Permit to allow deviations to certain development standards of the Mesa Zoning Ordinance (MZO) on the property, including reduction of the required 15' landscape setback to a 0' landscape setback adjacent to Alma School Road; reduction of the required 20' landscape setback to 14'-7" adjacent to Birchwood Avenue; and an increase in the vehicle display area to encroach 50% into the street side landscape from the allowed 30% and increase the width allowed for vehicle display to encroach into required landscape to 78' from the allowed 30' (BA17-002).

On March 14, 2017, the Design Review approved elevations and landscape plan for the auto sales dealership (DR17-005).

On February 7, 2019, staff approved a request for a one-year extension of the Site Plan and Design Review approval (case Z16-060, DR17-005, and ADM18-00995).

PROJECT DISCRIPTION

Background

The applicant's request is to allow for the development of an auto sales use on the property. The property is 14,000-square feet (SF) in size, after combining two adjacent parcels, and located on the east side of Alma School Road and north of Broadway Road. A Development Incentive Permit was approved by the Board of Adjustment for auto sales at this site in 2017 that has expired. Currently on the site is a non-conforming billboard structure that will remain and a shade structure that will be removed. The applicant is proposing an 18-car display area for the auto sales dealership. Improvements to the site include a new 637-SF office building with foundation base and perimeter landscaping, as well as the installation of the asphalt surface for vehicular circulation, parking spaces and vehicle storage areas. Light poles and vehicle storage shown in the right of way on the site plan, requires a separate encroachment agreement approved through the City of Mesa Engineer as conditioned with site plan approval case Z16-060.

Section 11-7-3 of the Mesa Zoning Ordinance (MZO) requires a minimum site area of 1 acre in size for a GI zoned lot. The combined two lots at under a third of an acre do not meet this minimum requirement. The dedication of right of way for Alma School Road required with the site plan approved case Z16-060, limits available land area of the already undersized site and further creates a physical hardship for development of the lot to conform to the City's current standards.

Table 1, below, shows the MZO requirements, the applicants proposed modifications as well as staff's recommendations:

Table 1

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
Setback (building/landscape) Alma School Road Birchwood Avenue North Property Line East Property Line	15'/15' 20'/20' 0'/0' 0'/0'	15'/0' from future ROW 15'/14'-7" 5'-8"/5'-8" 3'-10"/3'-1'-"	As Proposed As Proposed Meets MZO requirements Meets MZO requirements
Landscape material adjacent to street Alma School Road Birchwood Avenue	Total of 10 trees for both frontages	Total of 10 trees for both frontages	In addition to the trees, shrubs shall be added to meet MZO requirements for number & sizes
Maximum street side landscape setback to be used for vehicle display	30%	50%	As Proposed
Maximum width of vehicle display encroachment into street side landscape setback	30' wide	78' wide adjacent to Alma School Road	As Proposed

General Plan Character Area Designation and Goals

The Mesa 2040 General Plan character area designation for this site is Employment. Per chapter seven of the General Plan, the Employment character encourages employment type land uses such as large manufacturing facilities that are typically 20 acres and allow for supporting retail uses. Chapter 5 of the General Plan shows the site is in the Broadway Corridor Economic Activity District and the West Mesa Economic Activity Area. The auto sales are a permitted use in the Employment District. The subject use of the property for auto sales is consistent with the pattern of development in the area.

Site Characteristics:

There are two driveways on the property; one from Alma School Road and one from Birchwood Avenue. Each driveway will have a gate that will be closed and locked at the end of the business day for securing the inventory. The hours of operation will be from 9 am to 10 pm daily. The inventory will be driven to the site and does not require an area for loading and unloading of vehicles.

Surrounding Zoning Designations and Existing Use Activity:

Northwest Across Alma School Road GI Industrial use	North GI Industrial use	Northeast GI Industrial use
West Across Alma School Road GI Industrial use	Subject Property GI Undeveloped with billboard and shade structure	East GI Industrial use
Southwest Across Alma School Road LI Restaurant	South Across Birchwood Avenue GI Industrial use	Southeast Across Birchwood Avenue GI Industrial use

Compatibility with Surrounding Land Uses:

The auto sales use is compatible with the surrounding employment and industrial use.

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-72 of the Mesa Zoning Ordinance (MZO), a Development Incentive Permit (DIP) may be approved to allow incentives for the development of parcels that meet the certain criteria. Below are the criteria:

A. Area.

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 site is 14,000-SF or .3 acres and has been in the current configuration for more than 10 years.

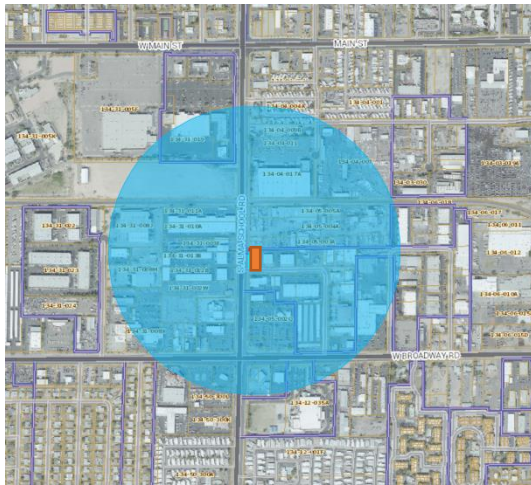
B. Utilities. The parcel is served by, or has direct access to, existing utility distribution facilities.

Utilities are directly accessible for the site.

- C. Surrounding Development. The parcel is surrounded by properties within a 1,200-foot radius in which:
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, not more than 25% of the surrounding sites are vacant within the 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.

1200' Buffer-Current Aerial photo



2004 Aerial Photo



Once the site qualifies as indicated above, the purpose of a DIP is to provide incentives for development of smaller tracts of land that have been bypassed by previous development. In order to be approved, the project must provide sufficient evidence to show the project is:

- A. The proposed development is consistent with the General Plan

The proposed use is consistent with the Mesa 2040 General Plan Employment use character area designation

- B. The incentives do not allow development that is more intense than the surrounding and commensurate with existing development.

The proposed use is consistent with the surrounding industrial uses in the area and is not more intense. The Maricopa County assessors map shows existing small lots ranging in size from 5,000 SF to 44,000 SF with existing industrial buildings and uses at the east side of Alma School Road on the north and south sides of Birchwood Avenue. At the north side of the site and the east side of Alma School Road is an existing narrow lot of under 115' feet in width with outdoor storage of trailers for sale on an unimproved lot. The proposed incentives do not allow a development that is more intense than surrounding uses.

- C. The architectural elements, construction and landscape materials and other site improvements of the proposed development meet the intent of the Development Standards of the MZO.

The proposed development with the conditions of approval of the DIP, Site Plan Review approval and Design Review approval meets the intent of the Development Standards

Per Section 11-31-5 of the Mesa Zoning Ordinance (MZO) vehicle sales and leasing shall be located, developed, and operated with land use regulations and the following standards:

- A. In addition to perimeter and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area.

As part of the applicant's request the perimeter landscape is reduced from a 15' landscape setback to 0' adjacent to Alma School Road and there is minimal foundation base at the 637 SF building. The landscape plan shows 10 percent of site is landscape and meets this criterion.

- B. A maximum of 30% 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.

The applicant is requesting to deviate from this standard. To allow for development of the .3-acre lot with a narrow, 155', frontage at Alma School Road the modifications as identified in Table 1 are justified.

- C. Vehicle loading and unloading shall occur on site.

According to the project narrative, loading and unloading of cars is not necessary as a maximum of 18 cars will be displayed on the site. The cars will simply be driven onto the site.

- D. Vehicle display Platform standards

The project narrative and site plan does not show any proposed vehicle platform.

Findings

1. The site is 14,000 SF, which is considerably under the 2.5-acres maximum allowed, the lot has been in its current configuration for more than 10 years, the site has direct access to existing utility services and within 1,200' not more than 25% developable lots are vacant.
2. The development is consistent with the General Plan Employment character area and not more intense than the surrounding uses
3. The proposed improvements meet the intent of the development standards of the MZO.
4. Compliance with the Site Plan Review and the Design Review approval will ensure the level of architectural detailing and design elements on the building as well as the improvements to the site conform to the Standards of the MZO.
5. With the recommended conditions of approval, the required landscaping of the site will conform to the City's Zoning Ordinance, except with the recommended modifications.

Neighborhood Participation Plan and Public Comments

The applicant sent the required notification letters to all property owners within 500' of the site. As of the date of this report, staff has not been contacted by any resident to express support or opposition to the request.

Staff Recommendations:

Based on the application, the criteria for approving a DIP outlined in Section 11-72 of the MZO, Staff recommends approval of the request with 4 conditions:

Conditions of Approval:

1. *Compliance with the final site plan, landscape plan and elevations as submitted, except as modified by the conditions below.*
2. *Compliance with all City development codes and regulations.*
3. *Compliance with all requirements of the Development Services Division regarding the issuance of building permits.*
4. *Prior to the issuance of a building permit, revise the landscape plan to be consistent with staff recommendations as indication in table 1 of this report.*

Exhibits:

Exhibit 1-Staff Report

Exhibit 2-Zoning Map/Aerial Map

Exhibit 3- Applicant Information

- 3.1 Applicant Written Narrative
- 3.2 Applicant Site Plan
- 3.3 Applicant Justification/Compatibility statement
- 3.4 Applicant Landscape Plan