



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

April 3, 2019

CASE No.: BOA18-00950	CASE NAME: Pet Club SCIP & SUPs
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Property Owner's Name:	SCF RC Funding IV LLC
Applicant's Name:	Edwin C. Bull, Attorney, Burch & Cracchiolo, P. A.
Location of Request:	1928 South Gilbert Road
Parcel Nos:	139-09-545A
Nature of Request:	1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in an LC zoning district; and 2) Special Use Permits (SUP's) to allow an animal kennel and a small animal day care.
Zone District:	Limited Commercial (LC)
Council District:	3
Site Size:	.94 ± acres
Proposed Uses:	Pet Supply Store w/ limited veterinarian services, pet grooming, small animal day-care and kennel
Existing Use:	Existing commercial building with a group commercial center
Hearing Date(s):	April 3, 2019 / 5:30 p.m.
Report Date:	March 18, 2018
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with 5 Conditions

HISTORY

June 18, 1973	Annexed into the City of Mesa
September 12, 1984	The site was included in a larger 8.54-acre rezoning (Z84-014) and site plan review (SPR14-014) application, which rezoned the property from AG to C-2 to accommodate the development of a shopping center.
December 21, 1989	Approval of final Site Plan Modification (Z89-031) to allow the development of a shopping center with three pad sites, including this site, adjacent to Gilbert Road and Baseline Road in the C-2 district.

PROJECT DESCRIPTION

Background

The request is to allow a small animal day care and kennel in conjunction with a new pet retail and veterinarian service in an existing 6,026 square foot building. The property is located north of the northwest corner of Gilbert and Baseline Road within a existing commercial center. As part of the request, the applicant will be making modifications to the building to accommodate the new uses. The exterior modifications will include:

1. Removal of six existing parking spaces and a dead-end drive aisle.
2. Construction of a new 504 SF (18' X 28') enclosed outdoor dog run.
3. Construction of a new 439 SF (18' X 24'-4") outdoor patio seating area.
4. Installation of additional perimeter landscape area and plant material on the east side of the existing building adjacent to Gilbert Road.
5. Installation of raised planters along the north elevation.

General Plan Character Area Designation and Goals

The Mesa 2040 General Plan character area designation for this site is Mixed Use Activity District. Per Chapter 7 of the General Plan, the Mixed-Use Activity Districts are large-scale community and regional activity areas that usually have a significant retail, commercial component. The goal is to help these districts be strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. The project is a specialized, one-stop retail and service facility that will attract customers to the area and help revitalize the larger shopping center by occupying a previously vacant pad building. The proposed use, with the approval of the Special Use Permits (SUPs), is an allowed use in the LC district, and is consistent with the established development pattern for the area, and the goals and objectives of the Mesa 2040 General Plan as outlined for the Mixed-Use Activity District.

Site Characteristics

The applicant is proposing to occupy an existing approximately 6,026 SF commercial building on a ±.94-acre pad site within an existing shopping center constructed in the early 1990's. The site is located ± 260' north of Baseline Road and adjacent to the west side of Gilbert Road.

Surrounding Zoning Designations and Existing Use Activity:

Northwest LC Existing commercial center – in-line stores	North LC Existing commercial development -- building medical facility	Northeast Across Gilbert Road LC Existing commercial center
West LC Existing commercial center – in-line stores	Subject Property LC Existing commercial center – vacant	East Across Gilbert Road LC Existing commercial center
Southwest LC Existing commercial development – minor automotive repair	South LC Existing commercial development – Car wash facility	Southeast Across Gilbert Road LC Existing commercial center

Compatibility with Surrounding Land Uses:

As indicated in the table above, the site is surrounded by existing commercial uses. The proposed uses are compatible with surrounding commercial uses.

Mesa Zoning Ordinance Requirements and Regulations:

Substantial Conformance Improvement Permit (SCIP) MZO Section 11-73:

The existing site is considered non-conforming since it was constructed under an older Code and does not meet all of the current MZO development standards. The Mesa Zoning Ordinance (MZO) 11-1-4(B) requires compliance with regulations of the ordinance for any use, construction or alteration in any zoning district. Full compliance with the MZO for the current Site Plan would require removal of existing improvements, which would be impractical. Consequently, MZO 11-73 establishes the review process for a Substantial Conformance Improvement Permit (SCIP). The intent of this SCIP is to achieve a proportional degree of improvement that brings the site into substantial conformance with Code.

Table 1 below is a summary of the minimum MZO requirements, applicant's proposal and staff recommendations for the site:

TABLE 1 DEVELOPMENT STANDARDS:

Development Standard	MZO Requirement	Applicant Proposes:	Staff Recommends:
<i>Setbacks</i> Gilbert Road	<i>(building/landscape)</i> 15'/15'	<i>(building/landscape)</i> ±49'8" / Varies from ±8'4" - 31'8" existing	As proposed
<i>Perimeter landscape material</i> Gilbert Road	7 trees/40 shrubs	1 existing tree & adding 2 trees / Adding various shrubs	Provide 7 trees and 40 shrub to meet MZO Table 11-33- 3(A)(4) and 11-33-3(A)(6) requirements.
<i>Foundation Base (depth)</i> North elevation West Elevation	15' 5'	11'3" existing 4'4" existing	As proposed As proposed
<i>Landscape material at Foundation Base</i> North elevation South Elevation	2 trees 2 trees	1 tree existing and raised planters 1 tree existing	As proposed Provide one additional 24" box tree to meet MZO 11-33- 5(B)(1) and (2) requirements
<i>Landscape islands</i> 1 per 8 spaces	1 per 8 spaces (10 existing islands)	1 island per 14 spaces (8 islands existing)	Number of islands as proposed and provide 1 tree and 3 shrubs in all existing parking lot landscape islands per the requirement of MZO 11-33-4(D)

The SCIP request includes modifications from the following development standards based on the existing non-conformities on the site:

- Required 15' perimeter landscape area adjacent to Gilbert Road
- Required foundation base depth adjacent to the north and west elevations
- Required parking lot landscape islands ratio of 1 island per 8 spaces

The applicant states in the justification/compatibility statement that the installation of a new parking lot landscape island within the existing row of 10 parking spaces adjacent to the north elevation would require reconstruction of the parking area including removing existing parking spaces. Consequently, the applicant is specifically requesting a deviation from the current MZO 11-33-4(B)(1) requirement to provide 1 parking lot landscape island every 8 parking spaces

The applicant is proposing the following improvements, which would bring the site into closer compliance with the current Code:

1. Additional perimeter landscape area and plant material on the east side of the existing building adjacent to Gilbert Road.
2. New above ground planter boxes in the foundation base area adjacent to the north elevation.

The modifications requested along with the proposed improvements and conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a closer degree of conformance with current standards

Per Section 11-73-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on a SCIP 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

Significant portions of the existing structure would need to be demolished to comply with the foundation base requirements adjacent to the north and west elevations of the building. Also, to provide the entirety of the required landscape area adjacent to Gilbert Road and the required parking lot landscape islands, significant parking lot and drive aisle improvements would need to be removed.

2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.

The existing building is currently vacant.

3. The creation of new non-conforming conditions.

The proposed improvements to the site do not create any 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.

The proposed improvements are compatible with and not detrimental to, adjacent properties or neighborhoods.

SCIP Findings

1. The existing site is considered non-conforming since construction in the 1990's under a previous code and does not meet all of the current MZO development standards.
2. The addition of the new enclosed outdoor dog run, patio seating area and additional perimeter landscape area invokes conformance to current development standards.
3. Full compliance with current code would require significant removal or relocation of existing improvements.
4. The modifications requested along with the proposed improvements and conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a closer degree of conformance with current standards.
5. The proposed improvements will not create any new non-conformities.
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) MZO Section 11-70-5

Per the requirements of MZO Table 11-6-2, the applicant is requesting a SUP to allow a small animal day care with kennel facility with an enclosed outdoor dog run in conjunction with a new pet food, supplies and veterinary service business. MZO Table 11-6-2 Note No. 4, requires that all animal sales and services, including small animal day care and kennel uses, be confined to completely enclosed, sound-attenuated facilities. This new pet food, supplies and service facility with small animal day care and kenneling facilities, is mostly located inside the building. Staff has included a condition (condition of approval number 5) to provide evidence of sound attenuation of the animal service areas at the time of submitting for building permits. To ensure that the outdoor dog run will not be detrimental to surrounding properties, the applicant is constructing an 8-foot tall masonry wall around the perimeter of the dog run. It is staff determination that the outdoor dog run (surrounded by CMU walls) is incidental to the small animal day care and kennel uses since the actual keeping of animals takes place within the building, and an outdoor exercise area for animals is desirable and necessary for the health of the animals. Also, the justification/compatibility statement indicates that the outdoor dog run will be supervised use only between the hours of 8:00 a.m.-6:00 p.m. and that staff will be present on site 24/7 for any boarded animals or animals recovering from vet care procedures and staying overnight.

Per Section 11-70-5(E) of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find the following criteria are met for approval of the SUPs:

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;

This site is located in the Mixed-Use Activity District character type of the Mesa 2040 General Plan. The proposed project is consistent with the goals and objectives of the General Plan because it will attract customers to the area, help to revitalize the larger shopping center by occupying a previously vacant building and is consistent with the established development pattern for the area.

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 any other applicable City plan or policies;

The proposed pet food supplies and service business with small animal day care and kennel uses is an allowed use (with the approval of the SUPs) in the LC district and is consistent with the goals and policies of the General Plan.

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

The proposed use is within an existing commercial building, which is located in an existing shopping center in the LC district and will not be injurious or detrimental to the surrounding properties.

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

The proposed project is currently served by existing City of Mesa utilities and public infrastructure.

SUPs Findings

1. The proposed small animal day care and kennel uses are conducted inside an existing building.
2. Staff recommends a condition of approval number 5 to provide evidence of sound attenuation of the indoor kennel area at the time of submitting for building permits to comply with MZO Table 11-6-2 Note No. #4.
3. An 8' tall CMU wall surrounds the outdoor dog run.
4. The applicant's justification/compatibility statement states that the outdoor play area will be used only between the hours 8:00 a.m.- 6:00 p.m. and that staff will be present on site 24/7 for any boarded animals or animals recovering from vet care procedures and staying overnight.
5. The proposed project is consistent with the uses allowed in the LC district and Mixed-Use Activity District character type of the 2040 General Plan and will not be injurious or detrimental to the surrounding properties and is adequately served by public services, facilities and infrastructure.

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:

The proposed Substantial Conformance Improvement Permit conforms to review criteria outlined in Section 11-73 and Special Use Permit outlined in Section 11-70-5 of the MZO. Staff recommends **approval** of the case (Case no. BOA18-00950) with 5 conditions:

Conditions of Approval:

1. *Compliance with the site plan and operation plan as submitted, except as modified by the conditions below.*
2. *Compliance with all City development codes and regulations, and all requirements of the Development Services Department regarding the issuance of building permits.*
3. *Prior to the issuance of a building permit, submit and obtain approval of the minor site plan modification in compliance with Section 11-69 of the MZO.*
4. *Prior to the issuance of a building permit, the landscape plan shall be revised to provide the following:*
 - a. *A total of 7 trees (50% 24"-box/50%, 15-gallon size) and 40 shrubs (50% gallon size or larger) in the perimeter landscape area adjacent to Gilbert Road (MZO Table 11-33-3-A-4 and 11-33-3-A-66)*
 - b. *One tree (24"-box) and 3 shrubs (50% gallon size or larger) per parking lot landscape island (MZO 11-33-4(D)(1) and (2)).*
 - c. *One tree (24" box) in the foundation base adjacent to the south elevation (MZO 11-33-5(B)(1) and (2)).*
 - d. *New above ground planters in the foundation base adjacent to the north elevations shall be equal in length to 33% minimum of the adjacent exterior wall, at least 3' wide and contain live plant material (MZO 11-33-5(B)(3)).*
 - e. *Per MZO 11-33-5(C), provide a minim 5' separation between the raised planter boxes and the adjacent parking stalls (MZO 11-33-5(C)).*
5. *Prior to the issuance of a building permit, provide proof of sound attenuation of the indoor animal service areas.*

Exhibit 1-Staff Report**Exhibit 2-Vicinity Map/Aerial Map****Exhibit 3- Applicant Information**

- 3.1 Applicant Project Narrative and Justification/Compatibility Statement
- 3.2 Applicant Site Plan
- 3.3 Applicant Landscape Plan