



**PLANNING DIVISION**  
**STAFF REPORT**

**Board of Adjustment**

**June 5, 2019**

CASE No.: <b>BOA19-00271</b>	CASE NAME: <b>McDonalds SCIP &amp; CSP</b>
Owner's Name:	Sliskovich Properties
Applicant's Name:	Adam Baugh, Withey Morris PLC
Location of Request:	2001 North Country Club Drive
Parcel Nos:	136-17-003Z
Nature of Request:	A Substantial Conformance Improvement Permit (SCIP) to allow modifications to certain development standards and a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP).
Zone District:	General Commercial (GC)
Council District:	1
Site Size:	.85± acre
Existing Use:	Limited Service Restaurant with drive thru
Hearing Date(s):	<b>June 5, 2019 / 5:30 p.m.</b>
Staff Planner:	Charlotte Bridges, Planner I
Staff Recommendation:	<b>APPROVAL with 3 Conditions</b>

**HISTORY**

On **January 6, 1987**, the Board of Adjustment approved a variance (BA87-011) on the property to reduce the required landscape setback, eliminate a required 3' screen wall and allow parking spaces in the required front yard along Country Club Drive and McKellips Road.

On **September 11, 1990**, the Board of Adjustment approved a variance (BA90-044) to reduce the required on-site parking spaces on the property from 66 to 43 spaces, reduce the required landscape setback adjacent to Country Club Drive and McKellips Road from 20' and 30', respectively, to 5', reduce the required landscape setback adjacent to the north and south property lines from 10' to 1' and allow detached signs to encroach into the future-rights-way along Country Club Drive and McKellips Road.

## PROJECT DESCRIPTION

### **Background**

The applicant is proposing to renovate an existing restaurant (McDonalds) use with a drive-thru at the northeast corner of Country Club Road and McKellips Road. Currently, there is a 6,706 square foot building on the property. The proposed renovations include reducing the size of the building, redesigning the existing parking and circulation area and installation of landscape areas in the parking lot and adding plant material to the perimeter landscape areas. The applicant is also proposing a Comprehensive Sign Package (CSP) to allow additional attached signs.

The site was developed in the 1980's. Both the site and existing building have been remodeled several times since its construction. Currently, the site is considered as a legal non-conforming and can continue to be used with no changes to the previous use or site. Section 11-1-4 of the MZO, requires any changes to a site a site and structures to comply with current regulations of the MZO. The change in the design of the site is required to comply with the MZO development standards. However, because of certain constraints already existing on the site the best and reasonable measure to improve the site is through a Special Conformance Improvement Permit. Per Section 11-73 of the MZO, the intent of a Substantial Conformance Improvement Permit (SCIP) is to recognize existing site constraints and allow for improvements to be incrementally installed on non-conforming sites that are proportionate to the degree of the request.

### **General Plan Character Area Designation and Goals**

The Mesa 2040 General Plan character area designation for this site is Neighborhood. Per Chapter 7 of the General Plan, Neighborhood character types often have associated non-residential uses such as local service business. Generally, these businesses serve people within a mile radius of the area. The existing restaurant use with drive-thru is consistent with the General Plan.

### **Site Characteristics**

The main entrance and customer parking on the property is located to the south of the building, and the entrance to the drive thru lane is on the east side and wraps around the north side of the building.

### **Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> <b>(Across Country Club Drive)</b> <b>GC</b> <b>Existing RV and Trailer Sales &amp; Service</b>	<b>North</b> <b>RM-4</b> <b>Existing Manufactured Home Park</b>	<b>Northeast</b> <b>RM-4</b> <b>Existing Manufactured Home Park</b>
<b>West</b> <b>(Across Country Club Drive)</b> <b>GC</b> <b>Existing Limited Service Restaurant with drive-through</b>	<b>Subject Property</b> <b>GC</b> <b>Existing Limited Service Restaurant with drive-through</b>	<b>East</b> <b>RM-4</b> <b>Existing Manufactured Home Park</b>
<b>Southwest</b> <b>(Southwest Corner of Country Club Drive and McKellips Road)</b> <b>LC</b> <b>Existing Automobile Repair</b>	<b>South</b> <b>(Across McKellips Road)</b> <b>LC</b> <b>Existing Service Station with Car Wash</b>	<b>Southeast</b> <b>(Across McKellips Road)</b> <b>LC</b> <b>Existing Commercial and Restaurant with drive-through</b>

## Mesa Zoning Ordinance Requirements and Regulations:

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

Section 11-73 of the MZO establishes the review process for a Substantial Conformance Improvement Permit (SCIP). As stated above, the intent of a SCIP is to achieve a proportional degree of improvement that brings the site into substantial conformance with Code.

Table 1 below shows a summary of the minimum MZO requirements, applicant's proposal and staff recommendations for the site. Items in **bold face type** indicate modifications from code requirements:

**TABLE 1 DEVELOPMENT STANDARDS:**

Development Standard	MZO Requirement	Applicant Proposes:	Staff Recommends:
<i>Setbacks</i> Country Club Drive	(building/landscape) 15'/5'	(building/landscape per BA90-044) <b>25.83'/varies 2.48' to 21.9'</b>	Meets previous approval (BA90-044)
McKellips Road	15'/5'	<b>123.9'/0'</b>	Meets previous approval (BA90-044)
East property line	20'/1'	51.62'/ <b>varies 0' to 5.6'</b>	Meets previous approval (BA90-044)
North property line	20'/1'	<b>10'/0'</b>	Meets previous approval (BA90-044)
<i>Perimeter landscape material</i> Country Club Drive	8 trees/48 shrubs	9 trees/72shrubs	Meets code
McKellips Road	8 trees/48 shrubs	<b>5 trees/26 shrubs</b>	<b>As proposed</b>
East property line	6 trees/38 shrubs	8 trees/54 shrubs	Meets code
North property line	6 trees/40 shrubs	<b>0 trees/25 shrubs</b>	<b>As proposed</b>
<i>Foundation Base (depth)</i> West elevation	5'	<b>4.5' existing</b>	<b>As proposed</b>
South Elevation	15'	<b>7.1' existing</b>	<b>As proposed</b>
East Elevation	5'	16.4' existing	Meets code
North Elevation	15'	<b>Varies 3.25'-9.9' existing</b>	<b>As proposed</b>
<i>Landscape islands</i>	1 per 8 parking spaces (11 islands required)	<b>1 per 13 parking spaces (5 existing and 4 new )</b>	<b>As proposed</b>
<i>Parking Spaces</i>	53 spaces	<b>42</b>	Meets previous approval (BA90-044)

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

1. Installing six additional parking spaces adjacent to the southern elevation.
2. Relocating the dumpster enclosure from the drive-thru lane area to the parking area located south of the building, which allows easier servicing without interfering with drive-thru access.
3. Installing four new parking lot landscape islands, installing three new landscape diamonds adjacent to McKellips Road, and replacing required landscape material at the perimeter and throughout the site.

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 bring the site into a closer degree of conformance with current standards

Per Section 11-73-3 of the City of MZO, 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

***Full conformance with current development standards would require demolishing the existing building and other significant improvements on the site.***

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

***Full compliance with MZO requirements would prevent the permitted limited services restaurant with drive-thru facility from occupying the site.***

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**

- A. The existing site is considered a legal non-conforming use.
- B. Full compliance with current code would require removal of the building, parking spaces and site circulation areas.
- C. Improvements to the site include installation of new parking spaces, new parking lot landscape islands and replacing required landscape material at the perimeter and other areas of the site.
- D. 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 to bring the site into a closer degree of conformance with current standards.
- E. The proposed improvements will not create any new non-conformities and will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

### Comprehensive Sign Plan (CSP) MZO 11-46-3

The applicant is also requesting a Comprehensive Sign Plan (CSP) to allow 2 additional attached signs on the property. Table 11-43-3-D-1 of the MZO establishes the quantity and aggregate sign area allowed for attached signs in the GC district. Table 2 below compares the MZO attached signs in the GC district with the proposed CSP attached signs. Items in **bold face type** indicate modifications from code requirements.

**Table 2 ATTACHED SIGN ALLOWANCES**

Front Foot of Building Occupancy	MZO Max Number of Attached Signs	MZO Max Aggregate Sign Area	Proposed CSP Number of Attached Signs	Proposed CSP Aggregate Sign Area
117'	3 signs	160 SF	2 signs (West Elevation) 3 signs (South Elevation) <b>5 Signs Total</b>	14 SF (West Elevation) 34 SF (West Elevations) 14 SF (South Elevation) 34 SF (South Elevation) 28 SF (South Elevation) <b>124 SF Total-Meets Code</b>

The CSP proposes a total of 5 attached signs, 2 more than what is allowed by the MZO without a CSP.

Table 11-43-3-D-3 of the MZO establishes the aggregate sign area and height allowed for detached signs in the GC district. Table 3 below shows a comparison of the MZO detached sign requirements in the GC district with the proposed CSP detached signs.

**Table 3 DETACHED SIGN ALLOWANCES**

Lineal Feet of Street Frontage	MZO Max Aggregate Sign Area	MZO Max Aggregate Sign Height	Proposed CSP Detached Sign Area	Proposed CSP Detached Sign Height
Country Club Drive 188 feet of street frontage	188 SF (1 SF of sign area per lineal foot of street frontage) 80 SF max/sign	19 feet (1 SF of sign height per 10 lineal foot of street frontage) 12' max height/sign	1 sign @ 36 SF	1 sign @ 12' height
McKellips Road 199 feet of street frontage	199 SF (1 SF of sign area per lineal foot of street frontage) 80 SF max/sign	20 feet (1 SF of sign height per 10 lineal foot of street frontage) 12' max height/sign	1 sign @ 36 SF	1 sign @ 12' height

The proposed CSP's detached sign quantity, area and height allowances comply with the MZO.

Per Section 11-43-2-C-1-e of the MZO, a detached sign is not allowed within 15 feet of the face of curb for streets or roads with 3 or more traffic lanes. The existing detached signs adjacent to Country Club Drive and McKellips Road are closer than 15 feet to the face of curb. The CSP is proposing to place the new detached signs in the same location as the existing signs, which is consistent with the location of other existing detached signs along Country Club Drive and McKellips Road.

Per Section 11-46-3(D) of the City of MZO, the Board of Adjustment shall find the following criteria are met for approval of a CSP:

1. The development site contains unique or unusual physical conditions, such as topography, proportion, size, or relation to a public street that would limit or restrict normal sign visibility; or

***The development site has limited area adjacent to the public rights-of-way to locate a detached sign. Relocation of the detached sign to meet current MZO location requirements would limit or restrict the detached sign visibility.***

2. The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest, or other distinguishing features that represent a clear variation from conventional development; or

***The limited visibility of the property to the adjacent right-of-way create a unique circumstance that warrant approval of a CSP***

3. The proposed signage incorporates special design features such as lighting, materials and craftsmanship, murals, or statuary that reinforce or are integrated with the building architecture.

***The applicant has incorporated elements and materials into the detached signs that integrate the design features of the building architecture.***

#### **Special Use Permit MZO Section 11-70-5**

Per Section 11-70-5(E) of the City of MZO, the Board of Adjustment shall also find the following criteria are met for approval of a SUP:

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;

***The site is in the Neighborhood character type of the Mesa 2040 General Plan. The existing use is consistent with the goals and objectives of the General Plan. Approval of the CSP will advance the goals and objectives of the General Plan by allowing a customized sign plan for the existing use.***

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 existing use conforms to the land use regulations of the GC district and the goals of the General Plan's Neighborhood character type. The proposed CSP sign area allowances are consistent with the location, size, design and operating characteristics of the property and the surrounding area.***

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 CSP allowances represent an appropriate amount of detached and attached signage for the existing development 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 City of Mesa utilities and public infrastructure are available to serve new multi-residence development.***

#### **SUP Findings**

- A. The site has limited area adjacent to a public right-of-way to locate detached signs.
- B. Relocation of a detached sign on the property to meet current MZO requirements would limit or restrict the detached sign visibility significantly.
- C. The CSP proposes a total of 5 attached signs; thus 2 more attached signs than allowed by the MOZ without a CSP. However, the aggregate sign area for the 5 attached sign is within the MZO aggregate sign area allowance.
- D. The detached sign area and height allowances within the CSP are consistent with current MZO requirements.
- E. The CSP will advance the goals and objectives of the General Plan by allowing a customized sign plan for the existing limited services restaurant with drive through facilities use.
- F. The sign area allowances are consistent with the location, size, design and operating characteristics of the property and will not be injurious or detrimental to the surrounding properties.
- G. The proposed design of the detached signs meets the intent of a CSP by integrating it with the architecture of the building on the property.

#### **Neighborhood Participation Plan and Public Comments**

The applicant sent the required notification letters to all property owners within 500' of the site on May 21, 2019. 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 SCIP conforms to the review criteria outlined in Section 11-73 of the MZO for a Substantial Conformance Improvement Plan, Section 11-46-3 of the MZO for a Comprehensive Sign Plan as well as the review criteria for a Special Use Permit outlined in Section 11-70-5 of the MZO.; Therefore, staff recommends approval of the request with 4 conditions:

#### **Conditions of Approval;**

1. Compliance with the final site and landscape plans as submitted.
2. Compliance with the sign program book submitted.
3. Compliance with all requirements of the Development Services Department in the issuance of building and sign permits.