

CIFUENTES STUDIO

FRUTILANDIA OUTDOOR PATIO VARIANCE/SPECIAL USE PERMIT PETITION

October 9th, 2019

Dear Mesa Planning/Zoning Staff:

I write this letter to request the approval of an outdoor seating patio which will support the purposes of the 2040 General Plan and the Central Main Street Area Plan by providing safe, accessible, clean spaces that the public can use to enjoy a dessert along Country Club Drive. The General Plan speaks of providing rich, high-quality spaces that will be active and inviting cultural resources.

Frutilandia has over 13 years of service providing Latin influenced foods and desserts for the greater East Valley and has been a positive and active contributor into the resurgence of the City of Mesa as an active place for pedestrians, visitors and residents to enjoy this lifestyle. This patio will provide a seating area for clients to enjoy with families within the safe confines of a small seating, walled patio space.

This letter seeks to outline how the application and project meets the required findings for a variance from the City of Mesa's (MZO) building setback from the previously 8 feet to 0 feet from the future right of way line. Also this proposal seeks to ask for the previously approved monument signage to be installed within the future right-of-way area.

Background

The existing 6,444 square foot retail building was built in 2004 and sits on the southeast corner of University and Country Club Drive. The building is oriented towards the corner of University and Country Club Drive with parking to the south, shielded from the main view corridor. The building was designed to address the corner and create a downtown urban cityscape feel that is more in conformance with the desires of the downtown urban design. The main tenant of the building is Frutilandia, a latin-styled food establishment which currently has another successfully operating location in the City of Mesa. There is a second 102 suite that does not yet have an identified tenant.

Prior Case No:	DR03-007TC and ZA04-001TC
Address:	351 North Country Club Drive
Applicant:	Cifuentes Studio LLC
Property Owner:	GEM Real Estate Group LLC
Existing Zoning:	DB-1
Existing Use:	Vacant Building
Parcel # and Size:	138-57-011A / 19,570 SF ~ .45 acres

Building Size:	6,444 SF
Concept Plan:	Retail/Office
Land Use:	(see attached maps, labeled Exhibit No. 1 and 2)
North:	DB-1, Retail Building
South:	DB-1, City of Mesa Electrical Substation
East:	DB-1, Restaurant, Office
West:	DB-1 Retail Building

The project is located within the DB-1 zoning district and has both the overlay of the Central Main Street Area and the Downtown, Neighborhood and Transit Corridor character areas of the Mesa 2040 General Plan. The 2004 variance approved gave the project a reduction in landscape setback from 10 feet to 8 feet measured from the future right of way adjacent to Country Club Drive. And a reduction of the required side building and landscape setback from 15 feet to 7 feet adjacent to Morris Street allowing the trash enclosure and mechanical equipment to be located within the required side yard setbacks.

The site is seen as a part of a prominent “gateway” corner within the downtown area. The previous architect designed the building to be in keeping with the urban style depicted in the previous Town Center Concept Area, rather than a suburban design of parking along the street. The building and the landscaping were designed to enhance this prominent corner.

Current Conditions

The building has sat vacant for various years prior to my client purchasing the site. Upon purchase, the client realized that various previously approved trees had been cut down and not replaced, that the building metal canopy structures were severely faded and needed maintenance and that the overall façade of the building was showing the effects of aging, various protrusions into the block to allow for the myriad of tenants over the years, and graffiti in some rear portions of the blockwork.

The vision the client has was to bring another location of Frutilandia, a family owned and operated dessert restaurant to this downtown neighborhood and provide the adjacent community with beloved made from scratch latin-styled treats. My client purchased the building with the hopes of opening this location and in conjunction with Downtown and Central Main Street Area guidelines provide a pedestrian friendly, outward facing patio that would activate the street edge and allow patrons to enjoy the cool evening weather during most of the year.

In preserving the existing stamped concrete sidewalks and parking configuration the most appropriate area for the outdoor seating patio would be along Country Club Drive just outside of the main entry to the establishment. We are humbly asking for the Board of Adjustments for a small ~260 SF outdoor shaded patio space that would allow Frutilandia to operate its business model to it’s full potential. We also ask for the ability to install monument signage in the future right-of-way area in order to create wayfinding opportunities for those individuals accessing the site via vehicular means.

Variance Requests

We request for two variances regarding this project. The first variance is to reduce the building/landscape setback line from eight feet (8') to zero feet (0') along Country Club Drive due to the overly aggressive 75-foot future right-of-way area. Prior to the future right-of-way expansion, this proposal would be within the buildable area allowed by the MZO. The second variance is to allow monument signage along Country Club Drive and University Drive within the area between the existing right-of-way and the future right-of-way zone.

Variance Required Findings

1. There are special circumstances applicable to the property, including its size, shape, topography, location or surroundings, and
2. That such special circumstances are pre-existing and not created by the property owner or appellant and
3. 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
4. Any variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties and in the vicinity and zone in which such property is located.

Response to Findings

- 1 **There are special circumstances associated with this site based on its location.** The location of the site is considered to be an entryway into the downtown area. The parcel on which the building sits along 3 streets that have considerable right-of-way requirements. Due to this prominence and the requirement from the Central Main Street Area Plan, Downtown character area, the site is required to be designed as an urban style project with activity and elevations facing Country Club Drive and University Drive.

If the applicant were to comply with the current required setbacks the outdoor patio would be pushed to a more suburban development instead of the encouraged urban style development. Urban style development encourages outdoor patios along major thoroughfare to locate eyes on the street, activate the pedestrian street edge and push for building form closer to the street edge.

- 2 **There are conditions on this site that are pre-existing and not created by the property owner.** The conditions of the site are: a small infill parcel, a bus pull out and shelter adjacent to the property extending the entire length of the street frontage on University Drive, and the property is adjacent to two arterial streets that require large amounts of right-of-way allowing very little buildable area. Also, the city's Transportation Plan increases the already generous 60 foot right of way to 75 feet.

- 3 **The strict application of the Zoning Ordinance based on the expanded Future Right-of-Way will deprive the property owner of the privileges enjoyed by other property owners in the same zoning district with less aggressive right-of-way requirements.** The future right-of-way site constraints will not allow for the property owner to develop the parcel based on the previously approved right-of-way. Zoning Ordinance requirements.
- 4 **The adjustment authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.** This parcel is an infill parcel of land with many site constraints associated with development. It is surrounded by many nonconforming properties to setbacks, landscaping, etc.

The hardship the site faces from being a small lot with 3 adjacent streets that have large Right-of-Way requirements and dedicated Bus Stop and Shelter and bus pull in requires a creative approach to provide a feasible and useable project. As part of the Future Right of Way along Country Club Drive we are asking to build the patio area in the right-of-way easement to promote the Urban Style development the City of Mesa requests in the downtown business area (DB-1).

The second portion of this letter is to request for the Special Use Permit approval of the Outdoor Patio dining area for the Frutilandia Dessert Restaurant. Frutilandia has a successful track record of operating a family-operated and owned dessert shop in the City of Mesa for the past 13 years. The public reception of these treats/food establishment has been very warm and the owners have always strived to provide a family-friendly and welcoming atmosphere for those wanting to enjoy latin-inspired treats.

As part of this petition we would like to show how the Special Use Permit for an outdoor dining patio would meet the required findings and also how it is in alignment with the vision the City of Mesa establishes in the Central Main Street Area Plan for a successful, sustainable downtown development.

Special Use Permit Required Findings

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 and design and operation 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.

Response to Findings

1. The approval of the proposed outdoor patio dining area will bolster the policies of the General Plan 2040. The proposed project would meet Chapter 4-B.1 of the general plan whose desire is to create safe, clean and healthy living environment within the City of Mesa. This new outdoor patio area would be well lit, shaded and clean as it would be maintained by Frutilandia employees throughout various times of the day. It would also meet the needs of 4-B.2 in helping to build and foster community and social interaction by allowing families and other patrons to visit and enjoy a space that is clean, safe and well maintained.

Additionally, it would meet various objectives of the Central Main Street Area Plan by providing various amenities/benefits to the community. Please see Exhibit 3, which are highlighted snippets of how this project meets various desired goals.

2. The location, size and design are consistent with the overall size of the project. The proposed 260SF outdoor patio is only 4% of the total size of the existing building on site, which is scaled to feel intimate. The location of the outdoor seating area next to the front entry door of the suite is the best location for ease of customer use, maintenance upkeep and consistent vigilance by staff on site. The DB-1 zoning district goals to provide for general retailing and services is consistent with the Frutilandia dessert shop goal to provide services to the general public within the Downtown Area.
3. The proposed project will not be injurious to the adjacent or surrounding properties in the area as most of them are all zoned DB-1 and offer various retail/office uses that are congruent with the retail/outdoor dining use of the proposed project. A similar case is the Aliberto's directly due east of the property, which operates an outdoor seating patio that seats both along University and along Morris Street. The adjacent properties are all geared towards general retail and will benefit from an adjacent neighbor that will promote pedestrian usage.
4. The proposed project will have the adequate public services and infrastructure provided by the directly adjacent Frutilandia building. The existing building will have enough public restrooms and refuse containers to ensure that the proposed outdoor patio seating will be adequately serviced. Please see Exhibit 4, a floor plan of the existing building floor plan with more restrooms provided than required by code.

Additional SUP Related Comments

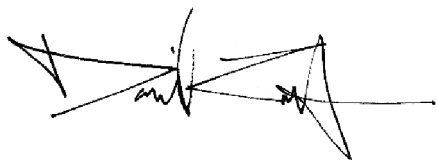
During the previous Board of Adjustment case (#ZA04-001TC) that approved the variances from the stipulated baseline requirements there was a request from various board members that an outdoor seating area for dining was desired and supported by the board as the previous owner/architect had envisioned a restaurant tenant occupying the space.

We formally request you approve the Variances and Special Use Permit for the requested 260SF patio so that patrons can enjoy under the stipulations that we will provide and maintain accessibility from the street and replace any prior Landscaping that was removed prior to my client's acquisition of the aforementioned project.

We believe this SUP also meets the cities Employment guidelines and goals within the Chapter 7 of the MZO. As per guideline #4: Provide diverse options for types of employment-oriented areas, ranging from landscaped sites in campus-like settings, to mixed-use commercial and industrial areas, to industrial only areas, to sites that are still well designed, but convey a minimalist or utilitarian approach, the entire range of which may contribute to providing the appropriate context for a successful business environment.

We believe this is providing mixed-use commercial that will create a successful employment hub in the area for a while to come.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel Cifuentes', with a stylized, elongated flourish extending to the right.

Daniel Cifuentes, AIA NCARB

Cifuentes Studio LLC

351 N. Country Club

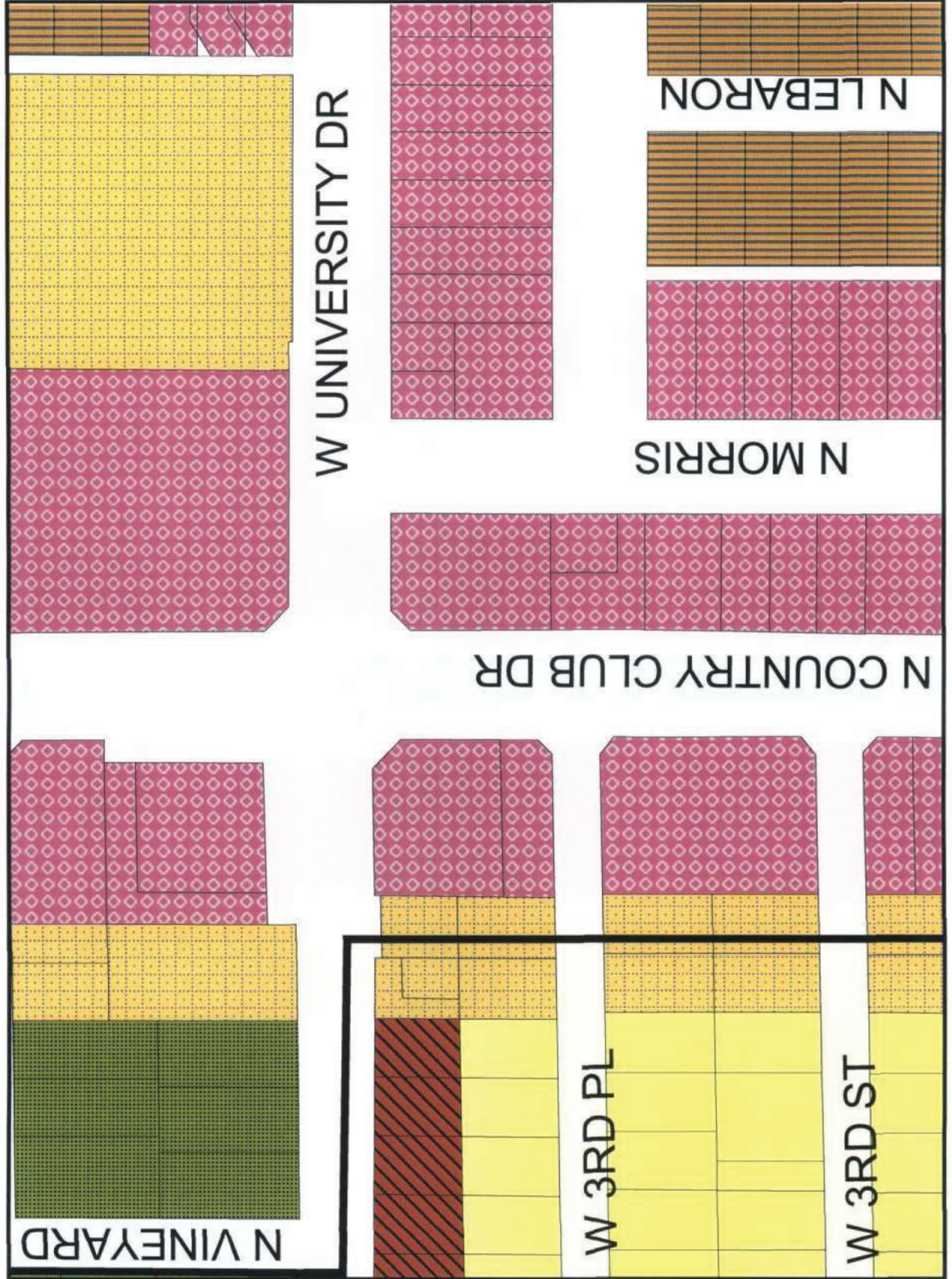
Aerial/Vicinity Map



351 N Country Club Drive



Zoning Map



Redevelopment
Boundaries

- DB-1
- DR-2
- DR-3
- R1-6
- R-4
- C-2



Exhibit 3

Central Main Street Area Plan Compliance.

Fruitilandia Outdoor Patio on 351 N. Country Club Drive will comply with the City of Mesa's Central Main Street Area Plan by meeting the various goals of the plan through creating a public, open, inviting outdoor seating element along Country Club Drive.

This will activate the pedestrian realm and create a destination for the various local residents/visitors to frequent and enjoy. The seating area will provide a clean, safe, shaded space that will foster more eyes on the street and will encourage more business activity catered towards residents along Country Club Drive.

GOAL PRC 1:

GOAL PRC 1: Create a distinct and high-quality built environment that is attractive to existing and new employers, residents, and visitors.

Policy PRC 1.1: All new development should incorporate high quality architectural design, materials, and construction that enhances the Central Main Area's character and sense of place in support of attracting employers, residents, and visitors.

Policy PRC 1.2: Promote development forms and site design that results in the ability for year round activity in the public realm.

Policy PRC 1.3: Encourage a development pattern that results in an urban environment in station areas and Downtown, and provides a diversity of land uses (residential, employment, commercial, retail, entertainment, government, educational, and open space/recreation) that will allow people to live, work, learn, and recreate within the Central Main Area, as well as attract visitors from the larger metropolitan area.

GOAL PRC 3:

GOAL PRC 3: Support a diverse mix of employment uses and increased economic activity through development of a wide range of non-residential and mixed-use buildings in Transit Villages, Downtown Transit Nodes, Downtown Core, and in other areas as warranted by demand.

Policy PRC 3.1: Encourage a built environment that will attract significant non-residential and mixed-use development and support high-value, high-wage jobs.

Policy PRC 3.2: Encourage a business environment that will attract significant non-residential and mixed-use development and support high-quality jobs while supporting small and independent business development, retention and expansion.

Policy PRC 3.3: Leverage City owned property to attract high quality employers and institutions that results in a robust and stable economy.

Policy PRC 3.4: Encourage the expansion of arts and culture, recreation, and entertainment uses in support of business attraction, job creation, tourism, increased tax revenue, and neighborhood revitalization.

GOAL PRC 5:

GOAL PRC 5: Leverage the high-quality, efficient, multi-modal transportation network to support the success of existing and future businesses and attractions.

Policy PRC 5.1: Facilitate employee, resident, and visitor accessibility to Central Mesa Area businesses and cultural and entertainment attractions by providing a variety of transportation options.

Policy PRC 5.2: Support the success of Central Main Area businesses and cultural and entertainment attractions by creating high-quality and safe pedestrian and bicycle environments.

Policy PRC 5.3: Continually measure transit system demand and make the adjustments necessary to ensure an efficient and convenient level of transit service.

Policy PRC 5.4: Continue to work with Valley Metro and Metro Light Rail to enhance transit convenience and connectivity. As demand warrants, evaluate the integration of additional transit opportunities in the Central Main Area, such as bus circulators, expanded bus-rapid transit, expanded local bus service, and modern street car.

Policy PRC 5.5: Ensure access to sufficient parking while encouraging the intensification of underutilized surface parking fields. Developments on City owned surface parking should include shared public parking or provide parking nearby to offset the loss of public parking.

GOAL PFC 1:

GOAL PFC 1: *Creation of a pedestrian-oriented development pattern that enhances the community and integrates with existing neighborhoods.*

Policy PFC 1.1: Create **destinations** by concentrating non-residential uses in Transit Villages, Downtown Transit Nodes, Downtown Core, and Commercial/Mixed-Use Nodes that incorporate well-designed pedestrian connections to adjacent residential neighborhoods and transit system.

Policy PFC 1.2: Create a regulatory environment that provides **predictable outcomes** and facilitates private investment in high-quality developments.

Policy PFC 1.3: Provide for a development pattern that will result in a **wide variety of uses** (residential, employment, commercial, **retail**, entertainment, government, educational, and open space/ recreation) that allows people to live, work, learn, and recreate within the Central Main Area, as well as attract visitors.

Policy PFC 1.4: Encourage site design that **minimizes the prominence of parking**, including encouraging structured parking where supported by development intensity and limiting the amount of surface parking that can front on arterial streets where structured parking is not feasible.

Policy PFC 1.5: Discourage uses that don't support **compact, active, urban** environment.

Policy PFC 1.6: Ensure that building and site design is sensitive to, and **integrated with surrounding development**, particularly in the case of adjacent single-residence neighborhoods. Considered on a case-by-case basis, building design may be required to mitigate impact on adjacent neighborhoods through incorporation of building height step-backs or other design solutions.

Policy PFC 1.7: Improve the pedestrian environment by encouraging the **conversion of strip commercial** developments with large parking fields and high vacancy rates into mixed-use and/or high-density residential developments.

Policy PFC 1.8: Minimize conflicts between **pedestrians and vehicle traffic** along arterial streets by encouraging fewer vehicular access points through shared access to new development and redevelopment. Unless impractical, separation between driveways with access to arterial streets and streets that intersect with arterials should be no less than 350 feet on center.

GOAL PFC 2:

GOAL PFC 2: Create a safe, comfortable, and attractive public realm (streets, parks, open space) that meet the needs of residents, employees, and visitors and invites and encourages pedestrian activity and social interaction.

Policy PFC 2.1: In addition to standard Capital Improvement Projects intended for the maintenance and improvement of existing infrastructure, **additional Capital Improvement funding** should be allocated for Central Mesa specific improvement projects to develop infrastructure that supports new development and/or an active public realm.

Policy PFC 2.2: Utilize public right-of-ways as **linear parks** that connect public and private parks, plazas, and other open space throughout the Central Main Area.

Policy PFC 2.3: Acquire the land necessary to create a **neighborhood scale** public outdoor **recreation space** within walking distance (0.25 – 0.50 mile) of all residences within the Central Main Area.

Policy PFC 2.4: Public and semi-public **open space** will be **maintained accessible** to Central Main Area residents and visitors of all abilities.

Policy PFC 2.5: Encourage the use of public and semi-public **parks/open space/plazas** of all sizes within the Central Main Area by ensuring they are well maintained. Consideration should be given to both traditional and non-traditional models for **maintenance**.

Policy PFC 2.6: The incorporation of open space that benefits the public should be considered a mitigating factor in the expansion or redevelopment of non-conforming sites.

Policy PFC 2.7: Encourage **pedestrian/bicycle connectivity** between parks/open spaces within the Central Main Area and surrounding parks/open spaces.

Policy PFC 2.8: Consider alternative and innovative methods for **park/open space land acquisition**, such as special purpose easements, bonding, land swap, etc.

Policy PFC 2.9: Encourage a **pet-friendly** public realm, businesses, and private developments (dog parks/walks, pet waste stations, pet drinking fountains).

Policy PFC 2.10: To the extent possible, above ground **utilities** (electric, irrigation, communications, etc.) should be **relocated underground** in conjunction with private developments and public improvement projects.

GOAL PFC 3:

GOAL PFC 3: *Creation of a safe, attractive, and well-designed built environment that enhances community image and stimulates pedestrian activity.*

Policy PFC 3.1: Private development addresses the public realm with buildings that engage the street or well planned, designed, and placed plazas, and other open space elements.

Policy PFC 3.2: Buildings should be designed to create an interesting environment that engages the pedestrian and helps make a pleasant and enjoyable experience. Design considerations should include, but not be limited to, minimizing building mass, limiting the length of blank walls, providing a high degree of façade articulation, and inclusion of shade projections.

Policy PFC 3.3: Enhance accessibility for people of all ages and abilities (e.g. compliance with American with Disabilities Act standards).

Policy PFC 3.4: Encourage site and building designs that appropriately incorporate Crime Prevention Through Environmental Design (CPTED) principles of natural surveillance, natural access control, territorial reinforcement, and property maintenance.

Policy PFC 3.5: The design, material, and construction quality of new private/public development along the light rail corridor is expected to meet or exceed the level of quality established by the public investment in the light rail line.

Policy PFC 3.6: The significant investments in a well-designed built environment will be protected through active code enforcement of property maintenance issues.

Policy PFC 3.7: The assembly of lots/land is encouraged to allow more efficient site design and support higher intensity redevelopments. Care should be taken to minimize the impact of lot/land assembly on Preservation and Maintenance Neighborhoods and ensure that resulting development does not detract from the historic development pattern of Downtown.

GOAL DIV 1:

GOAL DIV 1: *The Central Main Street area establishes its role as a diverse and exciting place; a place where a wide variety of people live, work and recreate.*

Policy DIV 1.1: Encourage the expression of culture in the built environment by allowing flexibility in building design.

Policy DIV 1.2: Celebrate diversity in the Central Main Area by encouraging cultural groups and organizations to provide events and festivals.

GOAL DIS 3:

GOAL DIS 3: *The Central Main Area provides a unique mix of land uses that attracts visitors and differentiates it from other communities, while supporting the needs of residents.*

Policy DIS 3.1: Facilitate the retention, expansion, and recruitment of a diversity of businesses, including businesses that are regionally and nationally unique.

Policy DIS 3.2: Encourage inviting and attractive public/semi-public gathering spaces incorporated into public and private developments.