



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

**Board of Adjustment**

**December 4, 2019**

|                              |                                      |
|------------------------------|--------------------------------------|
| CASE No.: <b>BOA19-00839</b> | CASE NAME: <b>Hill Hockey Clinic</b> |
|------------------------------|--------------------------------------|

|                       |   |
|-----------------------|---|
| Owner's Name:         | Westworld Paintball Games Inc.  |
| Applicant's Name:     | James Elson, Architect  |
| Location of Request:  | 140 N Country Club Drive  |
| Parcel Nos:           | 135-60-119A & 135-60-074A   |
| Nature of Request:    | Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to certain development standards for redevelopment of a commercial development. |
| Zone District:        | Limited Commercial (LC) & Downtown Business 1 (DB-1)  |
| Council District:     | 4   |
| Site size:            | 3.4 ± acres   |
| Proposed use:         | Small Scale Commercial Recreation - Hockey Rink   |
| Existing use:         | Vacant Building   |
| Staff Planner:        | Kellie Rorex  |
| Staff Recommendation: | APPROVAL with Conditions  |

**HISTORY**

In **1949**, the City Council approved the annexation of 2,420±-acres, including the subject site, into the City of Mesa. In the late 1950's the site developed into a bowling alley, later became an auction company, and then a paint ball facility. The building is currently vacant.

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting to construct a 3,025 square foot (SF) addition to the west side of the existing building for the use of a hockey rink, defined as a small scale (less than 50,000 SF) commercial recreation land use in the Mesa Zoning Ordinance. Currently, the site does not comply with landscape standards of Section 11-33 or on-site parking, loading and circulation standards in Section 11-32 of the Mesa Zoning Ordinance (MZO), and is therefore considered a non-conforming site. Because achieving full conformance with the MZO would require significant alterations to the site, a Substantial Conformance Improvement Permit (SCIP) is requested. The purpose of a SCIP is to recognize existing site constraints and work proportionately with the degree of improvement being sought by the applicant to improve the property based upon the development standards of the MZO, and therefore bring non-conforming development into substantial compliance.

In order to achieve substantial compliance, the applicant is proposing the following improvements:

1. Repaving and restriping of the existing parking lots, including the installation of parking lot landscaping and landscape islands.
2. Provision of a pedestrian and ADA compliant walkway that connects the main entry to the public sidewalk at Country Club Drive.
3. Installation of perimeter landscaping, buffering adjacent neighboring properties to the west, north and south.
4. Increasing foundation base along the exterior of main entry on the north side of the building.
5. Repainting the existing building with an updated color palette.

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

The subject property is located within the Neighborhood character area designation with a Traditional sub-type. Per chapter 7 of the General Plan, the primary focus of the Neighborhood character area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Non-residential areas within neighborhoods should be designed and located to bring people together to not disrupt the fabric and functioning of the neighborhood as a place where people live. Neighborhoods are also designed to provide opportunities for people to gain a sense of place and feel connected to the larger community.

The site is also identified in the Transit District within the Station Area sub-type, characterized by being ¼ mile from the light rail. This area is intended to have more intense development than the associated corridor and is expected to transition into a more dense urban form. Typical uses in the Station Area sub-type include retail, restaurants, and central public gathering places. The proposed small-scale commercial recreation use is consistent with the Neighborhood and Transit Districts and will bring people together and add to a sense of place in Mesa.

### **Site Characteristics:**

The subject site is approximately 3.4 acres and is located north of Main Street on the west side of Country Club Drive. The site contains one 32,735 SF building. Currently there is no interior parking lot landscaping and the striping in the parking lot is faded. There is very little foundation base landscape along the exterior of the building and the existing landscape material has died or is overgrown.

The subject site is considered a flag lot because only its access drive has frontage along Country Club Drive. The access drive is flanked by an existing restaurant to the north and school building to the south. There is a cross-access agreement between the subject site and the adjacent school which allows employees of the school to use parking spaces on the subject site.

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

|  |  |   |
|--|--|---|
| <b>Northwest</b><br>RM-2 HD<br>Developed Residential | <b>North</b><br>RM-2 HD<br>Developed Residential             | <b>Northeast</b><br><b>DR-2 &amp; DB-1</b><br>Developed Residential and<br>Restaurant |
| <b>West</b><br>RM-2 PAD<br>Developed Residential     | <b>Subject Property</b><br>LC & DB-1<br>Developed Commercial | <b>East</b><br>DB-1<br>Developed Restaurant and<br>School                             |
| <b>Southwest</b><br>RM-2 HD<br>Developed Residential | <b>South</b><br>RM-2 HD<br>Developed Residential             | <b>Southeast</b><br>DR-2 & DB-1<br>Developed Residential and<br>School                |

**Mesa Zoning Ordinance Requirements and Regulations:**

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

The subject site is non-conforming as it does not conform to landscape standards per Section 11-33, nor the on-site parking, loading and circulation standards per Section 11-32 of the MZO. Table 1 below summarizes the minimum MZO requirements, the applicant's proposal, and staff's recommendations. Text in bold indicates modifications from the MZO code requirements.

**TABLE 1 DEVELOPMENT STANDARDS:**

| <b>Development Standard</b>   | <b>MZO Requirement</b>   | <b>Applicant Proposes:</b>          | <b>Staff Recommends:</b>                 |
|---|--|-------------------------------------|--|
| <i>Parking Spaces Required</i>  | One (1) space per 75 SF used for recreational activities plus ancillary use requirements.<br>(total of 436 spaces) | <b>188 (existing)</b>               | <b>As proposed</b>                       |
| <i>Setbacks-building and landscape</i><br><i>North property line adjacent to single residence use</i> | 20' building and 20' landscape   | <b>4'-4" (existing)</b>             | <b>As proposed</b>                       |
| <i>West property line</i>   | 20' building and 15' landscape   | Building<br><b>Landscape-Varies</b> | Meets requirements<br><b>As proposed</b> |

| Development Standard  | MZO Requirement                | Applicant Proposes:  | Staff Recommends:                        |
|---|--------------------------------|--|--|
| <i>South property line adjacent to single residence use</i>         | 20' building and 20' landscape | from 0' existing to 23'<br><br>Building Landscape- 7'4" minimum with a 18'7" average width | Meets requirements<br><b>As proposed</b> |
| <i>Foundation Base along exterior walls with a public entrance.</i> | 15' wide                       | Varies from 13'8" to 18' 4"  | <b>As proposed</b>                       |

To summarize, in order to achieve substantial conformance, the applicant is proposing to re-pave and restripe the existing parking lot, install interior parking lot islands and landscaping, provide a pedestrian connection from the site to the public sidewalk, install new perimeter landscaping adjacent to neighboring properties, increase the foundation base along the exterior of the main entry, and repaint the existing building.

Staff believes the proposed modifications are consistent with the degree of improvements to be constructed on the property.

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

***To provide the required perimeter landscaping adjacent to the residential uses or zoning districts to the north and south sides of the site, a significant portion of the parking lot and number of parking spaces would need to be removed, causing a greater non-conformity in the number of provided parking spaces.***

***Alternatively, requiring full compliance with the number of required spaces would require utilization of the entire site, eliminating landscaping setbacks and landscape islands. Even then, the site might not be able to fully comply with the Mesa Zoning Ordinance.***

***As such, staff recommends incremental improvement to these site conditions, increasing the overall attractiveness of the site, and achieving substantial conformance.***

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

***Requiring full compliance with current MZO standards as discussed above prohibits future expansion as well as prohibits an allowed use in the LC District from occupying the existing building. Per Section 11-6-2 of the MZO, small scale commercial recreational uses are allowed in the LC District.***

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. The improvements will bring the site into further compliance with the MZO and enhance the appearance of the site.***

#### Findings

- A. The subject site does not meet current MZO development standards and is therefore non-conforming.
- B. The existing building and site were originally built in the late 1950's as a bowling alley.
- C. Full compliance with current code would require significant alterations to the existing building and the demolition of parking area and spaces.
- D. Improvements to the site include restriping the existing parking lot, installing interior parking lot islands and landscaping, providing a pedestrian connection from the site to the public sidewalk, installing new perimeter landscaping adjacent to neighboring properties, increasing the foundation base along the exterior of the main entry, and repainting the existing building.
- E. 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.
- F. 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.

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

The applicant mailed 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 or property owner to express support or opposition to the request.

**Staff Recommendations:**

Based on the application received and preceding analysis, Staff finds the request for a Substantial Conformance Improvement Permit meets the required findings in 11-73-3, and therefore recommends approval with the following conditions:

**Conditions of Approval:**

1. *Compliance with the final site plan and landscape plan as submitted;*
2. *Compliance with all City development codes and regulations, except as identified in Table 1 of this report; and*
3. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*