



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

March 4, 2020

CASE No.: **BOA19-00833**

PROJECT NAME: 1102 E University Dr.

Owner's Name:	1102 E University LLC
Applicant's Name:	On Pointe Architecture
Location of Request:	1102 E University Drive
Parcel No(s):	137-05-034C
Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to certain development standards for the expansion of a personal service business (hair salon)
Existing Zoning District:	Neighborhood Commercial (NC)
Council District:	4
Site Size:	0.46 ± acres
Proposed Use(s):	Personal Services (Hair Salon)
Existing Use(s):	Office and Personal Services
Staff Planner:	Ryan McCann
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **December 6, 1948**, the property was annexed into the City of Mesa and subsequently zoned RM-4 (Ordinance No. 228).

In **1972**, the City of Mesa issued a building permit for the development of a single-story office building.

On **February 24, 2020**, the City Council approved a rezoning of the subject property from Multiple Residence (RM-4) to Neighborhood Commercial (NC).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to expand a personal service business (hair salon) within an existing building. Currently, 1,500 square feet of the existing 4,000 square foot building is used for personal services (i.e. hair salon). The remaining portion of the building is vacant and was previously used as an office. Per Section 11-5-2 of the Mesa Zoning Ordinance, personal services in the RM-4 district requires approval of a Special Use Permit and cannot exceed 1,500 square feet in area.

The applicant is proposing to utilize the entire building as a hair salon. Therefore, a rezone request from RM-4 to Neighborhood Commercial (NC) and a site plan review were reviewed concurrent with this request. On January 8, 2020 the Planning and Zoning Board recommended approval of the rezone request to City Council and approved the site plan upon condition that a SCIP is approved by the Board of Adjustment to address existing non-conformities on the site, or bring all non-conformities on the site into compliance with the Zoning Ordinance (case #ZON19-00834). On February 24, 2020 City Council approved the rezone request.

Currently, the site does not conform to required building and landscape setbacks for the NC district per Table 11-6-3, or perimeter and parking lot landscape standards per Section 11-33 of the Mesa Zoning Ordinance (MZO), therefore, the existing site is considered non-conforming. Due to existing conditions, achieving full conformance with the MZO would require significant alterations to the site. Section 11-73 of the MZO establishes the Substantial Conformance Improvement Permit (SCIP) process and review criteria. The intent of a SCIP is to achieve a proportional degree of improvement that brings a site into substantial conformance with certain requirements of the MZO without having to bring the site into full conformance. To bring the site into substantial conformance with the MZO, the applicant proposes the following improvements:

1. Increase in landscape yard at the north property line; and
2. Reduction from 33 parking spaces to 19 parking spaces as result of parking islands and increased landscape yard; and
3. Installation of new landscape material at the north property line and within the parking area; and
4. Installation of new landscaping adjacent to University Drive and Matlock Street.

General Plan Character Area Designation and Goals:

The property is located the Neighborhoods character area with a Suburban sub-type. Per Chapter 7 of the General Plan, the primary focus of the Neighborhoods character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Per the Plan, Neighborhoods can have associated nonresidential uses such as schools, parks, places of worship, and local serving businesses. Nonresidential areas within neighborhoods should be designed and located to bring people together and not disrupt the fabric and functioning character of the neighborhood as a place where people live. Further, the design, development, and maintenance of neighborhoods focuses on ensuring clean, safe, and healthy areas where people want to live and

maintain their investments. Within the suburban sub-type, such areas may contain commercial uses along arterial frontages and at major street intersections. The proposed personal services use conforms to the goals of the Neighborhood character area designation and is consistent with the Mesa 2040 General Plan.

Site Characteristics:

The subject site, located on the north of University Drive and west of Stapley Drive, is approximately 0.46 acres in size. The site was originally developed in the 1970's and has minimal setbacks, minimal landscaping, and excess parking. Access to the subject site is provided by one existing driveway on University Drive and one driveway on Matlock Street. The site contains an existing 4,000 square-foot building with existing covered parking at the east side of the site and parking spaces at the north side of the site.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RM-4 Office	North RS-6 Vacant	Northeast LC Commercial
West RM-4 Office	Subject Property NC Personal Services	East LC Commercial
Southwest (Across University Dr.) RM-4 Residential	South (Across University Dr.) RM-4 Multi-family Residential	Southeast (Across University Dr.) OC Office

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 current building setback standards per Section 11-6, landscape standards per Section 11-33, and parking requirements 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:

Development Standard	MZO Requirement	Applicant Proposal	Staff Recommendation
<i>Setbacks-building and landscape:</i> South (adjacent to University Drive)	15'	15' (to existing building) 10' (to existing parking canopy)	Meets MZO As proposed
West (adjacent to Matlock Street)	20'	19' (to existing building)	As proposed
North (adjacent to RS District)	25' building 20' landscape	3' (to existing parking canopy)	As proposed
East (adjacent to LC District)	15'	2' (to existing parking canopy)	As proposed
<i>Perimeter landscaping:</i> E. University Drive (±125) N. Matlock Street (±162) North property line East Property line	5 trees/30 shrubs 8 trees/32 shrubs 5 trees/20 shrubs 6 trees/40 shrubs	4 trees/35 shrubs 6 trees/76 shrubs 3 trees/36 shrubs 0 trees/0 shrubs	As proposed As proposed As proposed As proposed
<i>Foundation base:</i> North Elevation East Elevation	15' 15'	5'-8" (existing) 6'-2" (existing)	As proposed As proposed
Landscape islands: Size	8' x 15'	3' x 21' (existing, adjacent to north property line only)	As proposed
Required Parking: Total number of spaces	12	19 (existing)	As proposed
Covered parking spaces	15	16 (existing)	As proposed

In order to achieve substantial conformance, the applicant is proposing new landscaping adjacent to University Drive, Matlock Street, parking lot landscape islands, at the north side of the building and within the increased landscape yard at the northern property line. 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 20-foot building and landscape setback along Matlock Street, a portion of the building would need to be demolished. In addition, to provide the required 25-foot building setback and 20-foot landscape setback adjacent to Single Residence (RS-6) to the north and the required 15-foot building and landscape setback to the Limited Commercial (LC) zoned property to the east, and the 15-foot required setback along University Drive, demolition of portions of the existing parking lot and parking canopy would be required, likely impacting the ability to provide the required number of parking spaces.

The request complies with this criterion.

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

The proposed modifications to the site would not create a cessation of the existing use. The existing use could continue to operate in its current state, or another permitted use would be allowed to operate.

The request does not comply with this criterion.

3. The creation of new non-conforming conditions.

The applicant is proposing a new landscaped area on the north side of the property. The proposed landscape area meets the minimum required 20' setback and does not create any new non-conforming conditions. Furthermore, reduction of the number of parking spaces from 33 to 19 parking spaces brings the site into closer conformance with the parking requirements of the MZO.

The request complies with this criterion.

- 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 existing personal services use within the 1,500 square-foot of the existing building has been operating at this site for several years. Staff does not believe that the expansion of the use within the existing building will impact or be detrimental to adjacent properties or neighborhoods. The improvements will bring the site into further compliance with the MZO, enhance the appearance of the site, and improve the streetscape.

The request complies with this criterion.

SCIP 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 designed and constructed in the 1970's for offices.
- C. Full compliance with current code would require significant alterations to the site and removal of portions of existing building and parking lot.
- D. Improvements to the site include increased landscape yard, parking islands, installation of landscape material, and foundation base landscape.
- 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 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 feet of the subject 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 this 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 of Section 11-73-3, and therefore recommends approval with the following conditions:

Conditions of Approval:

1. *Compliance with the final site plan as submitted.*
2. *Compliance with all City development codes and regulations, except as identified in Table 1 of this report.*
3. *Compliance with all requirements of ZON19-00834 for rezoning and site plan approval.*
4. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*