



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

September 4, 2024

CASE No.: BOA24-00505	CASE NAME: Ajo Al's Mexican Restaurant
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Owner's Name:	Patrick Dains, Ajo Al's Properties LLC
Applicant's Name:	Alejandro Sandoval, Pathangay Architects
Location of Request:	2336 East Baseline Road
Parcel Nos:	140-62-309A
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for the development of a restaurant with outdoor seating in the Limited Commercial (LC) District.
Zone District:	Limited Commercial (LC) District.
Council District:	4
Site size:	0.82± acres
Existing use:	Vacant building
Hearing Date:	September 4, 2024
Staff Planner:	Tulili Tuiteleapaga-Howard, Planner I
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **June 18, 1973**, the City Council annexed approximately 4,120± acres, including the subject site, into the City of Mesa (Ordinance No. 812).

On **October 17, 1983**, the City Council approved a rezone from Limited Commercial (C-2) [equivalent to LC] and Single Family Residence (R1-6)[equivalent to RS-6] and a site plan for the development of an approximately 25± acres group commercial center which included the subject site (Case No. Z83-119/SPR83-007; Ordinance No. 1748,).

On **July 18, 1988**, the City Council approved a site plan modification for the overall group commercial center (Case No. SMP88-008).

On **July 2, 1997**, the Design Review Board approved the elevations and landscaping of a restaurant on the subject site through design review (Case No. DR97-050).

On **May 18, 2006**, Staff approved an elevation update for a bike shop through an administrative approval for a design review (Case No. DR06-097).

On **February 9, 2021**, the City of Mesa Planning and Zoning Board approved a site plan review and Special Use Permit on the subject site for redevelopment of a vacant building to accommodate a restaurant with outdoor seating (Case No. ZON21-01302). The approved site plan has since expired, with the subject case requesting updated approval for a new user.

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards in order to redevelop an existing restaurant into a restaurant with outdoor seating.

The subject site is a 0.82± acre pad site located within a group commercial center east of Gilbert Road and north of Baseline Road. The existing building was built in the late 1990's in accordance with City of Mesa development standards at the time. As such, the site does not meet current landscaping requirements or parking area design. In order to redevelop the building without having to bring the entire site into full conformance, the applicant is requesting the approval of a SCIP. Per Chapter 11-73 of the MZO, the purpose of the SCIP is to allow for incremental improvements to the site while recognizing existing site constraints.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character area designation on the property is Mixed Use Activity. Per Chapter 7 of the General Plan, the primary focus of the Mixed Use Activity District character area designation is a largescale (typically over 25 acres) community and regional activity area that usually has a significant retail commercial component including shopping areas such as malls, power centers, or lifestyle centers that are designed and developed to attract customers from a large radius. The proposed use conforms with the General Plan and fits in with the surrounding uses.

Site Characteristics:

The subject site is located on the north side of Baseline Road, east of Gilbert Road. The site is 0.82 ± acres in size and is zoned LC. Access to the site is provided through cross access drives with the surrounding group commercial center. The existing building is located on the southeastern portion of the property with parking to the north and west of the building. The existing site does not conform to the current landscape standards from Chapter 11-33, or parking design standards from Chapter 11-32 of the MZO; therefore, the subject site is considered legal non-conforming.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RM-3 Apartments	North RM-3 Apartments	Northeast RM-3 Apartments
West LC Commercial	Subject Property LC Commercial	East LC Commercial
Southwest (Across Baseline Road) Town of Gilbert Commercial	South (Across Baseline Road) Town of Gilbert Commercial	Southeast (Across Baseline Road) Town of Gilbert Commercial

Mesa Zoning Ordinance Requirements and Regulations:

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

The subject site is legal non-conforming as it does not conform to setbacks, landscape yard, and parking area design standards of the MZO. Table 1 below summarizes the minimum MZO requirements and the existing legal non-conforming conditions of the site.

Table 1: Development Standards

Development Standard	MZO Requirements	Existing Conditions
<i>11-33-5(A)</i> <i>Foundation Base</i>	North Side: 10 feet	North Side: 6 feet
<i>Landscape Yard -</i> Section 11-33-3(B) Non-Single Residential Uses Adjacent to other Non-Single Residential	North Side: 15 feet	North Side: 4.9± feet

To bring the site into substantial conformance with the development standards of the MZO, the applicant proposes the following improvements as identified on the site plan and landscape plan:

- New landscape island and landscape material throughout the site and adjacent to Baseline Road.
- Increased foundation base and landscape material adjacent to the building.
- New pedestrian connection from the restaurant to Baseline Road.

Per Section 11-73-3 of the MZO, when deciding 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 the MZO 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 alterations to the site, including demolition of the building foundation, parking area, and on-site circulation would need to occur to bring the site into full conformance with current MZO development standards.

The request complies with this criterion.

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

Full compliance with current development standards would not allow the existing building to be used for a restaurant with outdoor seating and would discourage redevelopment on this site.

The request complies with this criterion.

3. The creation of new non-conforming conditions.

No new non-conforming conditions will be created with the redevelopment of the site.

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 proposed improvements will provide a viable use for a difficult site to be developed as a restaurant with outdoor seating. The improvements will bring the site into further compliance with the MZO, enhance the appearance of the site, improve flow and safety, and improve the streetscape. Therefore, staff does not believe that the proposed request will be detrimental to adjacent properties or neighborhoods.

The request complies with this criterion.

SCIP Findings:

- A. The site is zoned LC, and the restaurant use was established in 1997 and then as a bike shop in 2006 as an update from the original plan approved back in 1983 which was modified in 1988.
- B. The subject site does not meet current MZO development standards and is therefore legal non-conforming.

- C. Full compliance with current MZO would require significant alterations to the site including demolition of portions of the existing building and alterations to the on-site circulation.
- D. Improvements to the existing site include landscape improvements around the perimeter or the site, within the parking field, and the foundation base areas adjacent to the building elevations.
- E. The modifications requested along with the proposed improvements 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 MZO standards.
- F. The proposed improvements will not create any new non-conformities.
- G. 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 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 of the MZO, and therefore recommends approval with the following conditions.

Conditions of Approval:

1. Compliance with the final site plan and landscape plan as submitted.
2. Approval of the Site Plan and Design Review requests, and compliance with those conditions of approval for ZON24-00504 and DRB24-00499.
3. Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.
4. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Attachments:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan
- Exhibit 6 – Building Elevations