



Board of Adjustment Report

Date	November 5, 2025	
Case No.	BOA25-00471	
Project Name	Mint Dispensary	
Request	Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for a marijuana dispensary.	
Project Location	330 East Southern Avenue	
Parcel No(s)	139-31-057A 139-31-058B	
Project Area	1± acres	
Council District	District 4	
Existing Zoning	Light Industrial	
General Plan Designation	Local Employment Center	
Applicant	Kevin Kerpan, Kerpan Architects	
Owner	RMEG Investments, LLC	
Staff Planner	Charlotte Bridges, Planner II	

Recommendation

Staff finds that the requested SCIP meets the required findings outlined in MZO Section 11-73-3.

Staff recommends approval with conditions.

Project Overview

Request:

The applicant is requesting a SCIP from the required minimum setbacks along property lines for building and parking area, minimum landscape yard widths along property lines, minimum distance to parking spaces or cross drive aisles along a drive aisle connecting directly to public right-of-way, required numbers of trees and shrubs within perimeter landscape yards and the minimum lot area in the Light Industrial (LI) District to allow for the construction of a 2,588 square foot building addition. The two existing parcels will be combined; the items below are related to the future single parcel encompassing the site as shown on the associated site plan.

1. Reduction in the required building setback and landscape yard along Wilbur from 20 feet to 19 feet.
2. Reduction in the required parking area setback and landscape yard along the east property line from 15 feet to a minimum of one foot, four inches.
3. Reduction to the minimum distance to parking spaces along a main drive aisle connecting directly to Wilbur from 50 feet to 26 feet, 10-inches.
4. Reduction to the minimum distance to a cross drive aisle along a main drive aisle connecting directly to Southern Avenue from 50 feet to 38 feet, 2-inches.
5. No landscape plants along the east property line, when a minimum of 3 trees and 20 shrubs are required per 100 linear feet of adjacent property line.
6. Lot size of less than one-acre, when the minimum lot area in the LI District is one-acre.

Concurrent Applications:

- **Design Review:** Design Review Board meeting is scheduled for November 18, 2025, to review the proposed elevations and landscape plan (Case No. DRB25-00470).
- **Initial Site Plan Review:** the Planning Director is scheduled to review the proposed site plan after the review of DRB25-00470 by the Design Review Board (Case No. ZON25-00469).

Site Context

General Plan:

- The Placetype for the project site is Local Employment Center and the Growth Strategy is Evolve.
- Retail is a principal land use.
- Supporting General Plan Strategies:
 - N2. Promote adaptive reuse and infill as tools to rejuvenate and revitalize established neighborhoods.
 - LU3. Encourage infill and redevelopment to meet the community's strategic needs.
 - ED3. Sustain a business climate that fosters entrepreneurs and small businesses.

Zoning:

- The project site is zoned LI District.
- Marijuana uses are permitted in the LI District subject to compliance with Section 11-31-34 of the Mesa Zoning Ordinance (MZO).

Surrounding Zoning & Use Activity:

The proposed marijuana dispensary is compatible with surrounding land uses, which include industrial and commercial uses.

Northwest (Across Wilbur) LI Industrial	North LI Industrial	Northeast LI Industrial
West (Across Wilbur) LI Industrial	Project Site LI Marijuana Dispensary and Retail	East LC Commercial
Southwest (Across Southern Avenue) LC Commercial	South (Across Southern Avenue) LC Commercial	Southeast (Across Southern Avenue) LC Commercial

Site History:

- **August 15, 1977:** City Council approved a rezoning of 7.6 acres of property from Limited Commercial (LC) to Light Industrial (LI) to allow the development of an industrial subdivision (Case No. Z77-029, Ordinance No. 1097).
- **1982:** Year of construction according to the Maricopa County Assessor records.
- **November 9, 2017:** The Planning Director's designee approved the registration of a medical marijuana dispensary use in Suite 37 of the existing building located in the southwest corner of the project site.
- **November 13, 2019:** Planning and Zoning Board approved a Site Plan for the project site to expand the existing building by 5,300 square feet for use as a medical marijuana dispensary and infusion facility, and a 6,400 square foot addition to the existing 8,185 square foot building to the north of project site for a total building area of 14,585 square feet to be used as a marijuana cultivation facility. This project was not constructed and the approved site plan has expired (Case No. ZON18-01016).
- **December 4, 2019:** Board of Adjustment approved a SCIP for the project site and the adjacent lot to the north to allow modifications to certain development standards for the expansion of the existing marijuana/industrial use. This project was not constructed and SCIP has expired (Case No. BOA18-00959).

Project/Request Details

Site Plan:

- **Building Design:** A 2,588 square foot addition is proposed to the north side of the existing 2,500 square foot, single-story building located in the southwest corner of the project site. The total area of the building will be 5,088 square feet with two suites; Suite 1, 769 square feet, future medical office use; and Suite 2, 4,319 square feet, marijuana dispensary. The existing building located in the southeast corner of the project site will be razed to accommodate the Proposed Project.

- **Access:** The access drive on Wilbur to the north of the existing building will remain. The two existing access drives on Southern Avenue will be replaced by a single, new access drive on Southern Avenue to the east of the dispensary building.
- **Parking:** Per Table 11-32-3.A of the Mesa Zoning Ordinance (MZO), 12 parking spaces are required for the proposed marijuana dispensary use, and four parking spaces are required for the future medical office use, for a total of 16 required parking spaces. Currently, there are 42 on-site parking spaces. The applicant is reconfiguring the on-site drive aisles and parking field to provide 50 parking spaces. Per Section 11-32-3(C)(5) of the MZO, approval of an Administrative Use Permit (AUP) is required to provide more than 125% of the minimum required parking spaces. Consequently, a condition requiring the approval of an AUP is included in the recommendation of approval for this request.
- **Landscaping:** Trees, shrubs and ground cover are being installed in the landscape yards along Wilbur and Southern Avenue, within the on-site parking lot landscape islands and foundation base areas around the building in compliance with the MZO development standards.

Substantial Conformance Improvement Permit (SCIP):

A SCIP allows for the redevelopment of non-conforming sites without requiring full compliance with all current standards. Instead, it enables the applicant to incrementally address non-conforming conditions in proportion to the scope of improvements being proposed.

Non-conforming Conditions:

- **Setbacks and Landscape Yards:**
 - The existing building is setback 19 feet from Wilbur, a local street. Per Table 11-7-3 of the MZO, a 20-foot-wide setback and landscape yard is required to buildings and parking areas along Wilbur.
 - The existing setback to the building and parking area along the east property line is a minimum of one foot, four inches. Per Table 11-7-3 and Section 11-33-3(B)1 of the MZO, a 15-foot-wide setback and landscape yard is required along the east property line of the project site.
- **Throat Depth:**
 - The existing distance from the property line at the access on Wilbur to the first on-site parking spaces is 15 feet. The new site plan indicates this distance is 26 feet, 10 inches. Per Section 11-32-4(A), parking spaces along main drive aisles connecting directly to a street must be setback at least 50 feet from the property line abutting the street.
 - The existing distance from the property line at the accesses on Southern Avenue to the first on-site parking spaces zero feet. The new site plan indicates the distance is 38 feet, two inches from the property line at the new access on Southern Avenue to the first cross drive aisle. Per Section 11-32-4(A), cross drive aisles that cross main drive aisles are required to be setback at least 50 feet from the property abutting a street.
- **Perimeter Landscaping:** There are currently no trees planted in the landscape yard adjacent to the east property line. Per Section 11-33-3(B)(2)(C) of the MZO, three non-deciduous trees and 20 shrubs are required for every 100 linear feet of adjacent property line, which is a total of six trees and 37 shrubs.

- **Lot Area:** Currently, the project site consists of a .49± square foot lot and a .46± square foot lot. Table 11-7-3 of the MZO requires a minimum lot size of one acre in the LI District. the combined total lot area of the two parcels is .95± square feet. A condition requiring the two lots of the project site to be combined into one lot, less than once acre, is included in the recommendation of approval for this request.

Proposed Improvements: To bring the site into further conformance, the applicant is proposing to:

- Provide the required 20-foot wide building and parking area setback and landscape yard along Wilbur adjacent to the new building addition and parking spaces.
- Provide the required 15-foot wide building and parking area setback and landscape yard along Southern Avenue.
- Install the required number of trees and shrubs within the landscape yards along Wilber and Southern Avenue.
- Consolidate the Southern Avenue access drives to provide one access from Southern Avenue, improve the on-site circulation and install the required parking lot islands with trees and shrubs.

Approval Criteria - Section 11-73-3:

1. **Improvements Constitute the Greatest Degree of Compliance:** The proposed parking and landscaping is the maximum feasible improvement that can be made without requiring demolition of the building or other site features, discontinuation of use, or the creation of additional non-conforming conditions.
2. **Compatible with Adjacent Properties and Neighborhoods.** The improvements authorized by the SCIP will create a development that is compatible with and not detrimental to adjacent properties or the surrounding neighborhood. The enhancements will result in a more attractive frontage, improving the site's overall aesthetic and functional integration with the area.

Required Notification

The applicant provided letters to surrounding property owners within 500 feet of the project site, notifying them of the public hearing.

Staff has not received any phone calls or emails about the proposed project.

Conditions of Approval

Staff recommends **approval** of the Substantial Conformance Improvement Permit request, subject to the following conditions:

1. Compliance with the final site plan as submitted.
2. Compliance with all requirements of Site Plan Review Case No. ZON25-00469 and Design Review Board Case No. DRB25-00470.
3. Compliance with all applicable City development codes and regulations.
4. Prior to the issuance of any building permit, apply for and receive approval of an Administrative Use Permit to allow the number of parking spaces to exceed 125% of the

minimum required parking spaces or reduce the parking to comply with the Zoning Ordinance.

5. Prior to the issuance of any building permit, submit for and receive approval of a lot combination to combine APN 139-31-057A and APN 139-31-058B.

Exhibits

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Narrative

Exhibit 3 – Site Plan

Exhibit 4 – Landscape Plan

Exhibit 5 – Elevations

Exhibit 6 – Power Point Presentation