



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

February 7, 2024

CASE No.: BOA23-00452	CASE NAME: WIFI Pizza
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Owner's Name:	Zarqa Investments LLC
Applicant's Name:	WIFI Pizza LLC
Location of Request:	335 East Broadway Road. Located west of Mesa Drive and on the south side of Broadway Road.
Parcel Nos:	139-36-028B
Nature of Request:	Requesting a Substantial Conformance Incentive Permit (SCIP) to allow deviations from certain development standards.
Zone District:	Downtown Business 1
Council District:	4
Site size:	0.2± acres
Existing use:	Vacant
Hearing date(s):	February 7, 2024 / 5:30 p.m.
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **June 10, 1930**, the City Council annexed 551± acres of land, including the subject property, into the City of Mesa (Case No. Annexation 245, Ordinance No. 157).

On **September 8, 1987**, City Council approved the creation of new zoning districts, development regulations, a new zoning map and new design guidelines for all properties within Mesa's Town Center, and the project site was rezoned to Town Center Business 1 (TCB-a) (Case No. Z87-040, Ord. 2254).

In the early 1950s, per Maricopa County Historic Aerials, the existing structure was developed which included access to Broadway.

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards in the Downtown Business 1 (DB-1) District. The applicant is proposing to utilize an existing non-confirming structure with no modifications proposed to the footprint of the building.

The building on the subject property was initially developed in the early 1950's as a single-family residence. This existing building and site improvements were constructed in accordance with the building and zoning codes in effect at the time; however, some of the existing site improvements do not conform with current developments standards of Section 11-5-3 of the Mesa Zoning Ordinance (MZO) and the site is considered legal non-conforming. Due to existing conditions, achieving full conformance with the MZO would require significant alterations to the site including Modification of the existing building. Section 11-73 of the MZO establishes the SCIP process and review criteria to allow a non-conforming site to be brought into substantial conformance without having to bring the entire site into full conformance. In order to bring the site into further conformance, the applicant is proposing to provide a pedestrian connection from Broadway as well as additional landscaping within the parking area.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods can contain a wide range of housing options and often have associated nonresidential uses such as local serving businesses and public and semi-public uses such as schools, parks, places of worship, and cemeteries. Nonresidential areas within neighborhoods should be designed and located to bring people together and not disrupt the fabric and functioning of the neighborhood as a place where people live. The proposed improvements to the existing structure for a limited-service restaurant advance the goals and objectives the Mesa 2040 General Plan by providing a service to the surrounding residential neighborhoods.

Site Characteristics:

The subject site is located on the south side of Broadway Road, just west of Mesa Drive. Based on the Maricopa County Historic Aerials, the building was constructed in the early 1950's. The subject property includes one existing structure, which is currently vacant. Access to the site is provided by a primary drive, located off Broadway Road.

The proposed site plan maintains the existing 703 sq ft structure on site for the proposed pizza shop, with a secondary former residence located to the rear. Per Table 11-32.3.A of the MZO, seven parking spaces are required for the proposed use. Per the site plan provided, three parking spaces are proposed. The applicant is proposing direct on-site pedestrian access to the existing Broadway Road pedestrian network as well as additional landscaping on the west side of the structure.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across E Broadway Road) DB-2 Commercial Use	North (Across E Broadway Road) DB-2 Commercial Use	Northeast (Across E Broadway Road) DB-1 Commercial Use
West (Across S Wilber Alley) DB-2 Commercial Use	Subject Property DB-1 Vacant Building	East DB-2 Commercial Use
Southwest (Across S Wilber Alley) DB-2 Commercial Use	South DR-3 Single Residences	Southeast DR-3 Single Residences

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 development standards of Section 11-4-3 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 Requirements	Applicant Proposal	Staff Recommendation
<i>Perimeter Landscaping for a non-single residence use adjacent to a single residence – [MZO 11-33-3 (B)(1)(a)]</i>	Provide a 25-foot landscape yard adjacent to residential to the south.	0 feet (South)	As proposed
<i>Perimeter Landscaping [MZO Table 11-33-3 (A)(4)]</i>	1 Tree and 6 Shrubs per 25 Linear Feet of Street Frontage (4 trees and 24 shrubs per 100')	No additional landscaping	As Proposed
<i>Number of Required Parking Spaces [MZO Table 11-32-3.A]</i>	1 space per 75 feet of indoor space = 7 spaces required	3 parking spaces	As Proposed
<i>Setback of Cross Drive Aisles and Parking Spaces – [Section 11-32-4.A]:</i>	Parking spaces along main drive aisles connecting	18 feet	As proposed

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
	directly to a street and drive aisles that cross such main drive aisles shall be set back at least 50 ft from the property line abutting the street.		
<i>Foundation Base for Exterior Walls with a Public Entrance [MZO 11-33-5]</i>	A 15-foot-wide foundation base shall be provided, measured from face of building to face of curb along the entire length of the exterior wall.	4 feet	As proposed

To bring the site into substantial conformance with the development standards of the MZO, dead and missing landscape material will be replanted in the required landscape yards along the eastern property line adjacent to Broadway 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 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

Significant alterations to the site, including the existing buildings, partial demolition of the parking spaces and modifications to 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 impose an extreme hardship that may cause the cessation of the limited service restaurant use and would discourage improving the site.

The request complies with this criterion.

3. The creation of new non-conforming conditions.

The proposed improvements will not create any new non-conformities.

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 to the building are compatible with the surrounding neighborhood and improve the overall site. Therefore, staff believes that the proposed request will not be detrimental to adjacent properties or neighborhoods.

The request complies with this criterion.

Findings:

- A. The subject property was annexed into the City of Mesa in 1930 and later zoned DB-1 District.
- 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 partial demolition of building area and alterations to the on-site circulation and parking.
- D. 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.
- E. The proposed improvements will not create any new non-conformities.
- F. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- G. The proposed improvements to the existing site advance the goals and objectives of the Mesa 2040 General Plan by providing a service to the surrounding 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 upon the application received and preceding analysis, staff find that the request will comply with the Mesa 2040 General Plan and the required findings for a Substantial Conformance

Improvement Permit outlined in Section 11-73-3 of the MZO. therefore, staff 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 the Development Services Department regarding the issuance of building permits.

Attachments:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative/Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – PowerPoint Presentation