



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

June 5, 2019

CASE No.: BOA19-00174	CASE NAME: Southwest Institute of Montessori Studies, Inc.
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Owner's Name:	Southwest Institute of Montessori Studies, Inc.
Applicant's Name:	Sherri Samson
Location of Request:	426 and 450 West 5th Street, 505 North Vineyard, and 445 and 455 West 5th Place.
Parcel Nos:	135-25-041L, 135-25-041N, 135-25-041P, 135-25-041V, 135-25-041W and 135-25-041X
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the RM-4 and LC Districts.
Zone District:	Multiple Residence-4 (RM-4) and Limited Commercial (LC)
Council District:	1
Site Size:	1.92 ± acres
Proposed Uses:	Offices, Day Care and Private School (K-6)
Existing Use:	Vacant
Hearing Date(s):	June 5, 2019 / 5:30 p.m.
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with 4 Conditions

HISTORY

On January 5, 1949, the City Council approved an annexation of the property into the City of Mesa.

PROJECT DESCRIPTION

Background

The applicant is proposing to use the property for a daycare and private school (K-6). The site currently consists of 11 vacant office buildings. These buildings were constructed in the late 1960's and the early 1970s. There are two zoning designations on the property. The eastern half of the property is zoned as Multiple Residence (RM-4) and the western half is zoned limited commercial (LC). Per Section 11-1-4 of the City of Mesa Zoning Ordinance (MZO), any changes to a site, including change of use, requires the site and structures to comply with the regulations of the MZO. The change in use, school and daycare, and improvements to the site require the site and structures to comply with the City's current development standards. However, due to constraints created by past developed structures on the property the site cannot conform to all current standards, such as the 20' required building and landscape setbacks adjacent to 5th Place, 5th Street and Vineyard. Per Section 11-73 of the MZO, a Substantial Conformance Improvement Permit is required when a developed site cannot fully conform to certain current development standards. Specifically, per section 11-73 of the MZO, the intent of a Substantial Conformance Improvement Permit (SCIP) is to recognize existing site constraints and allow improvements to be incrementally installed on non-conforming sites that are proportionate to the degree of the request.

General Plan Character Area Designation and Goals

The Mesa 2040 General Plan character type designation for the site is Neighborhood Traditional. Per Chapter 7 of the General Plan, the Neighborhood Traditional character type is predominately single residences but may contain a variety of other uses in close proximity. The site is also within the West Mesa Economic Activity Area as defined in Chapter 5 of the General Plan. Per this chapter of the Plan, the primary unifying element of the West Mesa Economic Activity Area is the opportunity for redevelopment and intensification based on expansion of transit services. The private school, daycare and office is consistent with the General Plan.

Site Characteristics:

The site is located about 130' west of Country Club Drive and is bounded by West 5th Place on the north, North Vineyard on the west, West 5th Street on the south and North Country Club Drive Alley on the east. The applicant is proposing to occupy all 11 vacant office buildings on the 1.92 ± site. The existing buildings are located around the perimeter of the site, adjacent to the streets. There is an access on North University Drive and West 5th place.

Surrounding Zoning Designations and Existing Use Activity:

<p align="center">Northwest (Across N Vineyard) RM-4 Existing Single Residences</p>	<p align="center">North (Across West 5th Place) RM-4 and LC Existing Office</p>	<p align="center">Northeast (Across West 5th Place) LC Existing Automotive Repair</p>
<p align="center">West (Across N Vineyard) RM-4 Existing Single Residences</p>	<p align="center">Subject Property RM-4 and LC Vacant Office</p>	<p align="center">East (Across North Country Club Alley) LC Existing Commercial</p>
<p align="center">Southwest (Across N Vineyard) RM-4 Existing Office</p>	<p align="center">South (Across West 5th Street) RM-4 and LC Existing Office</p>	<p align="center">Southeast (Across North Country Club Alley) LC Existing Commercial</p>

Mesa Zoning Ordinance Requirements and Regulations:

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

Section 11-73 of the MZO establishes the review process for a Substantial Conformance Improvement Permit (SCIP). Table 1 below is a summary of the minimum MZO requirements, applicant’s proposal and staff recommendations for the site. Items in **bold face type** indicate modifications from Code requirements:

TABLE 1 DEVELOPMENT STANDARDS:

Development Standard	MZO Requirement	Applicant Proposes:	Staff Recommends:
<i>Setbacks</i>	<i>(building/landscape)</i>	<i>(building and landscape)</i>	
West 5 th Place	20’/20’	Existing varies from ±1’7” – 15’0”	As proposed
North Vineyard	20’/20’	Existing varies from ±7’8” – 19’10”	As proposed
West 5 th Street	20’/20’	Existing varies from ±10’ – 21’4”	As proposed
North Country Club Drive Alley	15’/15’	Existing varies from ±1’7” – 21’6”	As proposed
<i>Perimeter landscape material</i>			
West 5 th Place	15 trees/60 shrubs	14 trees / 65 shrubs	As proposed
North Vineyard	8 trees/32 shrubs	11 trees / 43 shrubs	Meets code
West 5 th Street	15 trees/60 shrubs	15 trees / 77 shrubs	Meets code
North Country Club Alley	6 trees/40 shrubs	0 trees / 0 shrubs	As proposed & provide climbing vines at 3’ o.c. along playground fence*
<i>Foundation Base (depth)</i>			
East elevation (Bldgs. 108)	10’	0 existing	As proposed
East elevation (Bldgs. 111)	10’	0 existing	As proposed
West Elevation (Bldg. 106)	10’	3’10” existing	As proposed
West Elevation (Bldg. 101)	15’	5’8” existing	As proposed
South Elevation (Bldg. 105)	15’	9’5” existing	As proposed
South Elevation (Bldg. 106)	15’	9’2” existing	As proposed
East elevation (Bldg. 102)	15’	10’8” existing	As proposed

Development Standard	MZO Requirement	Applicant Proposes:	Staff Recommends:
<i>Landscape material at Foundation Base</i> East elevation (Bldgs. 108) East elevation (Bldgs. 111) West Elevation (Bldg. 106) West Elevation (Bldg. 101) South Elevation (Bldg. 105) South Elevation (Bldg. 106) East elevation (Bldg. 102)	2 trees 2 trees 1 tree 1 tree 1 tree 1 tree 1 tree	1 tree 1 tree 1 tree 2 trees 1 tree 1 tree 0 trees	As proposed As proposed Meets code Meets code Meets code Meets code As proposed
<i>Landscape islands</i> 1 per 8 spaces	1 per 8 spaces	1 island per 10 spaces (6 islands existing)	As proposed
<i>Parking area screen walls</i> West 5 th Place West 5 th Street	32"-40" screen wall 32"-40" screen wall	None None	As proposed As proposed
<i>Fences height in perimeter landscape areas</i> West 5 th Place North Vineyard West 5 th Street North Country Club Drive Alley	3.5' maximum height 3.5' maximum height 3.5' maximum height 3.5' maximum height	Existing 8' metal picket fence Existing 8' metal picket fence Existing 8' metal picket fence Existing 8' metal picket fence	As proposed As proposed As proposed As proposed
<i>Screening – trash area</i>	Minimum 6' tall masonry/concrete tilt-up wall with opaque gate	None	As proposed**

*Section 11-33-3-B-2-a of the MZO requires 3 tree and 20 per 100 linear feet of adjacent property line shrubs along the east property line. However, the proximity of overhead power lines in North Country Club Drive Alley precludes installation of trees along the east property line. Therefore, staff recommends installation of climbing vines along the playground fence adjacent to North Country Club Drive Alley.

**Solid Waste will continue to service the site's trash bins from the North Country Club Drive Alley. No other business's existing trash bins serviced from North Country Club Drive Alley are screened with walls or enclosures.

To bring the site into a closer conformance with the MZO requirements, the applicant is proposing the following improvements:

1. Removing existing number of parking spaces at the eastern portion of the site for the construction of a playground area.
2. Installing two new perimeter landscape areas adjacent to existing parking spaces along West 5th Place.
3. Installing two new perimeter landscape areas adjacent to existing parking spaces along West 5th Street.
4. Constructing landscaping to the section of the site adjacent to West 5th Place, North Vineyard and West 5th Street. And Installing two parking lot landscape islands in the existing parking lot.

The requested modifications are consistent with the degree of improvements to be constructed on the property to bring it closer into conformance with current MZO standards.

Per Section 11-73-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on a SCIP 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 portions of the existing buildings on the property would have to be demolished in order for the site to comply with current required building setbacks and perimeter landscape setback requirements adjacent to West 5th Place, North Vineyard, West 5th Street and North Country Club Drive Alley. Additionally, to comply with the City's requirements for building foundation base and parking lot landscape island, significant demolition and reconstruction of the existing parking lot and drive aisles will be required.

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

The existing buildings are currently vacant and full compliance with MZO requirements will preclude the occupation of the site by an allowed use.

- 3. The creation of new non-conforming conditions.

The proposed improvements to the site will 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.

SCIP Findings

- A. The subject site is was constructed in the 1960s and 1970s and considered as a legal non-conforming property.
- B. The change in use to allow a daycare and school (K-6) use on the property and improvements to the site including a new playground area requires full conformance with MZO.

- C. Full compliance with current Code requires significant removal of existing building, parking spaces and site circulation.
- D. Improvements to the site include installation of perimeter landscape material adjacent to the rights-of-way and new landscape islands in the parking lot.
- E. The modifications requested along with the proposed improvements and conditions of approval are consistent with the degree of change required to improve the site and will bring the site into closer degree of conformance with current 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 sent the required notification letters to all property owners within 500' of the site, on May 21, 2019. As of the date of this report, staff has not been contacted by any residents to express support or opposition to the request.

Staff Recommendations:

The proposed Substantial Conformance Improvement Permit conforms to the review criteria outlined in Section 11-73 of the MZO; therefore, staff recommends approval of the case (Case no. BOA19-00266) with 3 conditions:

Conditions of Approval:

1. Compliance with the final site plan and landscape plan as submitted, except as modified by the subject request and conditions of approval.
2. Compliance with all City development codes and regulations, and all requirements of the Development Services Department regarding the issuance of building permits.
3. Provide climbing vines planted at 3' on-center (o.c.) along the playground fence at the east side of the site adjacent to North Country Club Alley.