



**PLANNING DIVISION**  
**STAFF REPORT**

**Board of Adjustment**

**December 1, 2021**

CASE No.: **BOA21-01021**

CASE NAME: **245 S Dobson TI**

Owner's Name:	Leslie M Widera 2012 Irrevocable Trust/Etal
Applicant's Name:	David II Kenyon, Architect
Location of Request:	2245 South Dobson Road
Parcel Nos:	134-32-001R
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for an automobile/vehicle sales and leasing facility
Zone District:	Light Industrial (LI)
Council District:	3
Site size:	.91± acres
Proposed use:	Automobile/vehicle sales and leasing facility
Existing use:	Vacant
Hearing date(s):	<b>December 1, 2021 / 5:30 p.m.</b>
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **December 12, 1962**, the City Council annexed approximately 39± acres, including the subject site, into the City of Mesa and subsequently zoned the subject property M-1 (equivalent to current Light Industrial [LI] District) (Ordinance No. 441).

On **November 23, 1999**, the Board of Adjustment approved a variance to reduce the amount of landscaping required adjacent to the public right-of-way and reduce the amount of required parking in the LI District. The required landscape area adjacent to Dobson Road was reduced to a 10 foot wide landscape strip and the number of required parking spaces was reduced from 43 to 42 spaces (ZA99-100).

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to accommodate a proposed automobile/vehicle sales and leasing facility.

Maricopa County historical aerial photos indicate the existing site improvements, and a majority of the existing building were constructed in the early 1970's. In 1999, the approval of a variance (ZA99-100), facilitated the construction a 4,000 square foot addition to the east side the building to expand the existing furniture store. In 2008, the occupancy of the building changed to an air conditioning parts warehouse facility. The subject property has been vacant since 2019. Per Section 11-33-1(B)(2) of the Mesa Zoning Ordinance (MZO), when there is a change in the building occupancy designation after the effective date of the MZO, the landscape standards of Chapter 33 are applicable.

The subject site currently does not conform to the landscape standards of Chapter 11-33 of the MZO; therefore, it is considered legal non-conforming. Due to existing conditions, achieving full conformance with the MZO would require significant alterations to the site including demolition of the building area, removal of parking spaces, and modification to the on-site circulation. Section 11-73 of the MZO establishes the Substantial Conformance Improvement Permit (SCIP) process and review criteria which allows the site to be brought into substantial conformance without having to bring the entire site into full conformance.

### **General Plan Character Area Designation and Goals:**

The subject property is located within an Employment character area. Per Chapter 7 of the General Plan, the focus of the Employment character area is primarily employment type land uses consisting of at least 20 acres. The Employment character area may include supporting secondary uses such as commercial and retail, provided the minimum percentage of primary uses is established for the character area. The proposed automobile/vehicle sales and leasing facility use is consistent with the goals of the Employment character area.

The subject site is also located in the West Main Street Area Industrial Corridor. Within the Industrial Corridor, the West Main Street Area Plan recommends maintaining and developing employment areas, discourages the addition of new neighborhood and community-oriented freestanding retail uses, encourages the development of business parks and preserving rail freight service in the area. The proposed development is consistent with the West Main Street Area Plan since the automobile/vehicle sales and leasing facility will be revitalizing a vacant building and installing new landscape material to improve the appearance of the site.

### **Site Characteristics:**

The subject property is located mid-block between Main Street and Broadway Road on the east side of Dobson Road. The site is .91± acres in size and is zoned LI. Access to the site is provided by a drive entrance along Dobson Road and an access road along the south side of the site. The majority of the on-site parking spaces is provided adjacent to the north side of the building and along the north property line. A few additional parking spaces are provided to the south of the

building. A variety trees and shrubs are existing within the 10-foot wide landscape strip adjacent to Dobson Road.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> (Across Dobson Road) LI-PAD Industrial	<b>North</b>  LI Industrial	<b>Northeast</b>  LI Industrial
<b>West</b> (Across Dobson Road) LI-PAD Industrial	<b>Subject Property</b>  LI Vacant	<b>East</b>  LI Industrial
<b>Southwest</b> (Across Dobson Road) LI-PAD Industrial	<b>South</b> (Across the access drive) LI Commercial	<b>Southeast</b> (Across the access drive) LI Commercial

**Mesa Zoning Ordinance Requirements and Regulations:**

Per Section 11-31-5 of the MZO, an automobile/vehicles sales and leasing use is required to comply with the following:

- A. Landscaping. In addition to perimeter and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area.
- B. Vehicle Display. A maximum of 30 percent of the street side landscape area may be used for vehicle display. A minimum 12-foot wide planter strip shall separate vehicle display areas from sidewalks along the streets. Vehicle display encroachments wider than 30-feet shall be separated by a minimum distance of 30-feet between similar vehicle displays that encroaches into the street side landscape area.
- C. Vehicle Loading and Unloading. Vehicle loading and unloading shall occur on-site.
- D. Vehicle Display Platforms.
  1. Elevated platforms or other structures or devices used for the display of vehicles associated with an approved vehicle sales or rental facility are permitted, provided such platforms, structures, or devices:
    - a. Shall only be located in areas currently approved or authorized for vehicle display; and
    - b. Shall not project into or over required landscape areas, drive aisles, or fire lanes; and
    - c. Shall not be located closer to the public street than the existing, at-grade vehicle display area; and
    - d. Shall not exceed four feet (4') in height as measured from the mean finished grade of the display surface.
  2. Only one (1) vehicle shall be displayed on each platform, structure, or device.
  3. The number of display platforms, structures, or devices shall not exceed a ratio of one (1) per one hundred feet (100') of lineal street frontage of the at-grade display area (exclusive of driveways).

Per the Justification and Compatibility Statement submitted with the application, vehicles will be displayed in the interior showroom and no exterior display of vehicles is proposed at the site.

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

The subject site is legal non-conforming as it does not conform to landscape standards per Chapter 11-33 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>Landscape Yard:</i> [Section 11-33-3(B)(2)(a)]			
North (Adjacent to non-single residence)	15 feet	<b>0 feet (Existing)</b>	As proposed
East (Adjacent to non-single residence)	15 feet	<b>10 feet (Existing)</b>	As proposed
South (Adjacent to non-single residence)	15 feet	<b>0-5 feet</b>	As proposed
<i>Perimeter landscaping:</i> [Section 11-33-3(B)(2)(a) requires 3 trees and 20 shrubs per 100 linear feet]			
North property line (180 feet)	6 trees and 36 shrubs	<b>0 trees, 0 shrubs</b>	As proposed
East property line (187 feet)	6 trees and 38 shrubs	<b>0 trees, 0 shrubs</b>	As proposed
South property line (155 feet)	5 trees and 31 shrubs	<b>5 trees, 22 shrubs</b>	As proposed
<i>Landscape islands:</i> [Section 11-33-4(B)(1)]	Maximum of 8 contiguous parking stalls between landscape islands	<b>Maximum of 17 contiguous parking stalls between landscape islands (Existing)</b>	As proposed
<i>Foundation Base:</i> [Section 11-33-5]			
Along an exterior wall with a public entrance (north)	15 feet	<b>12 feet</b>	As proposed
Along an exterior wall with no public entrance adjacent to a drive aisle (south)	5 feet	<b>3 feet (existing)</b>	As proposed

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:

- On the south side of the Dobson Road drive entrance, two parking spaces are being removed and replaced with a new landscape island, including two trees and six shrubs.
- A new eight foot wide by 15 foot in length landscape island is installed at the east end of the row of parking spaces immediately adjacent to the building.
- The foundation base area adjacent to the north elevation was increased to accommodate a new five foot wide sidewalk, which connects to the sidewalk in the Dobson Road public-right-way and additional landscape area, including additional plant material.

Per Section 11-73-3 of the MZO, to approve 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 demolition of the building, parking area, and on-site circulation would be needed 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 redevelopment of the site to accommodate the permitted use.**

***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 brings the site into further compliance with MZO development standards by enhancing the appearance of the site's streetscape and the foundation base adjacent to the building's entrance and providing pedestrian connectivity to the public right-of-way. 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 LI and was developed in the early 1970's.
- B. In 2008, the occupancy of the building changed to an air conditioning parts warehouse facility.
- C. The subject property has been vacant since 2019.
- D. Section 11-33-1(B)(2) of the Mesa Zoning Ordinance (MZO) states when there is a change in the building occupancy designation after the effective date of the MZO, the landscape standards of Chapter 33 are applicable.
- E. The existing site does not meet current MZO development standards and is therefore legal non-conforming.
- F. Full compliance with current MZO would require significant alterations to the site including removal of parking spaces and alterations to the building and on-site circulation.
- G. Improvements to the existing site include new landscape islands with trees and shrubs and an increased foundation base to accommodate a five foot wide sidewalk and addition foundation base landscape area.
- H. The modifications requested along with the proposed improvements are consistent with the degree of change associated with the change of use and bring the site into a closer degree of conformance with current MZO standards.
- I. The proposed improvements will not create any new non-conformities.
- J. 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 Recommendation:**

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 and landscape 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 – Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan
- Exhibit 6 – Site Photos