



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

**Board of Adjustment**

**January 5, 2022**

CASE No.: **BOA21-01078**

CASE NAME: eegee's Restaurant

Owner's Name:	Red Mountain Asset Fund I, LLC
Applicant's Name:	Holly Keilman, eegee's
Location of Request:	1050 S. Country Club Drive
Parcel Nos:	134-17-022G
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for the development of a restaurant with a drive-thru in the Limited Commercial (LC) District.
Zone District:	Limited Commercial (LC) District.
Council District:	4
Site size:	0.66± acres
Existing use:	Restaurant
Hearing Date:	<b>January 5, 2022/5:30 p.m.</b>
Staff Planner:	Chloe Durfee-Sherman
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **August 17, 1970**, the City Council annexed approximately 675± acres, including the subject site, into the City of Mesa (Ordinance No. 675).

On **January 6, 1975**, the City Council approved a site plan for the development of a approximately 15.5± acres group commercial center which included the subject site (Ordinance No. 910, Case No. Z74-083).

On **March 20, 1978**, the City Council approved a site plan modification for the overall group commercial center (Case No. SMP78-001).

On **April 11, 2006**, the Zoning Administrator approved a SCIP to allow for the development of a restaurant with a drive-thru on the subject site (Case No. ZA06-037).

On **October 4, 2006**, the Design Review Board approved a design review for a restaurant with a drive-thru (Case No. DR06-097).

## **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 a drive-thru facility.

The subject site is a 0.66± acre pad site located within a group commercial center west of Country Club Drive and north of Southern Avenue. The existing building was built in the early 1970's in accordance with City of Mesa development standards at the time. As such, the site does not meet current setbacks, landscape yard 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 approve of a SCIP. Per Section 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/Transit Corridor. 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 primary focus of Transit Corridors applies to development of the corridors between stations and stops and will be less intense, but still evolve into a more urban pattern with buildings brought close to the front property lines and parking behind or beside buildings. Streets should maintain a pedestrian orientation, but first floors of buildings may not contain active uses. The proposed use conforms with the General Plan and fits in with the surrounding uses.

### **Site Characteristics:**

The subject site is located on the west side of Country Club Drive, north of Southern Avenue. The site is 0.66 ± acres in size and is zoned LC. Access to the site is provided by a driveway just north of the site as well as through cross access drives with the surrounding group commercial center. The existing building is located on the southwestern portion of the property with parking to the north and east of the building. The existing site does not conform to the current setback requirements of Chapter 6, landscape standards from Chapter 11-33, or parking design standards from of Chapter 11-32 of the MZO; therefore, the subject site is considered legal non-conforming.

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

<b>Northwest</b> LC Commercial	<b>North</b> LC Commercial	<b>Northeast</b> (Across Country Club Drive) GC Auto/Commercial
<b>West</b> LC Commercial	<b>Subject Property</b> LC Commercial	<b>East</b> (Across Country Club Drive) GC Auto/Commercial
<b>Southwest</b> LC Commercial	<b>South</b> LC Commercial	<b>Southeast</b> (Across Country Club Drive) GC 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

<b>Development Standard</b>	<b>MZO Requirements</b>	<b>Existing Conditions</b>
<i>Setback - Section 11-6-3</i> Front and Street Facing Side -Adjacent to a 6-lane arterial street	15 feet	<b>5 feet</b>
<i>Landscape Yard -</i> Section 11-33-3(B) Non-Single Residential Uses Adjacent to other Non-Single Residential	15 feet	<b>5 feet</b>
<i>Parking Area Design -</i> Section 11-32-4(A) <i>Setback of Cross Drive Aisles</i>	Parking spaces along main drive aisles connecting 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	<b>Cross access drive aisle setback ~38 feet from main drive aisle</b>

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 islands and landscape material along the north side of the building.

- New landscape island and landscaping adjacent to Country Club Drive north of the existing parking stalls
- Increased foundation base and landscape material adjacent to the building.
- New pedestrian connection from the restaurant to Country Club Drive.

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 a drive-thru 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 a drive-thru. The improvements will bring the site into further compliance with the MZO, enhance the appearance of the site, 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 2006 as an update from the original plan approved back in 1975.
- 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 ZON21-01090 and DRB21-01091.
- 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