



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

June 1, 2022

CASE No.: **BOA22-00236**

CASE NAME: **Bulletproof Diesel**

Owner's Name:	KGN, LLC
Applicant's Name:	Robert Brown, Robert Brown Architects
Location of Request:	Within the 2900 to 3100 block of North Oakland (west side), within the 4200 to 4400 block of East Palm Street (south side), and within the 2900 to 3100 block of North Omaha (east side). Located west of Greenfield Road on the north side of McDowell Road.
Parcel Nos:	141-25-150
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards to permit a building expansion at an existing industrial development.
Zone District:	Light Industrial (LI)
Council District:	1
Site size:	3 ± acres
Proposed use:	Industrial
Existing use:	Industrial
Hearing date(s):	June 1, 2022 / 5:30 p.m.
Staff Planner:	Kellie Rorex, Senior Planner
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **January 6, 1979**, the City Council annexed approximately 542± acres of land, including the subject site, into the City of Mesa (Ordinance No. 1208).

On **June 21, 1979**, the City Council zoned 138± acres of land, including the subject site, from Maricopa County Rural 43 to Agricultural (AG), to establish comparable City zoning on recently annexed land (Ordinance No. 1254, Case No. Z79-073).

On **September 21, 1981**, the City Council approved a rezoning of 236± acres of land from AG to Residential 35 (RS-35) and AG with conceptual Light Industrial (LI) to allow development of an 88-lot single residence subdivision and a 55-lot industrial park. The subject 3± acre site was rezoned to AG with conceptual LI zoning. (Ordinance No. 1521, Case No. Z81-065).

On **April 19, 1982**, the City Council approved a rezoning of 73± acres of land, including the subject site, from AG with conceptual LI zoning to LI to allow for the development of a 44-lot industrial park (Ordinance No. 1593, Case No. Z82-010).

On **May 7, 1984**, the City Council approved a Site Plan Modification to the existing 44-lot industrial park to remove a condition of approval from Case Z82-010 that required a 60-foot landscape buffer along the west property line. The condition was removed due to a change in adjacent land uses which were the basis of the condition (Case No. SPM84-008).

On **February 14, 2012**, the Board of Adjustment approved 1) a Special Use Permit (SUP) to allow the placement of a statue with signage; and 2) a Variance to allow a building encroachment into the foundation base area on the subject site (Case No. BA12-008).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to permit a building expansion at an existing industrial site within the Light Industrial (LI) zoning district. The existing site, per historical aerials, was developed in 2002 and does not meet current landscape yard depth requirements per Mesa Zoning Ordinance (MZO) Section 11-33-3(B)(2)(a) and 11-7-3(A). Specifically, the existing parking stalls and landscape islands are under sized and do not meet MZO Section 11-33-4(B)(2) and 11-32-2(H)(1) for parking stall and landscape island dimensions; and the foundation base along the north and east sides of the building do not meet MZO Section 11-33-5(A); therefore, the subject site is considered legal non-conforming. The purpose of a SCIP is to allow non-conforming sites to redevelop by bringing the site further into conformance with today's zoning ordinance standards.

The proposed 11,451 square foot expansion will be developed just west of the existing building, where the current outdoor storage area is located. No new nonconformities will be created with the expansion; however, due to the existing site conditions, achieving full conformance with the MZO would require significant alterations to the site, including the building foundation, parking area, and 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 General Plan Character area designation on the property is Employment. Per Chapter Seven of the General Plan, the purpose of the Employment character area designation is to provide employment type land uses with such areas typically having minimal connection to the

surrounding area. Examples of employment districts include areas for large manufacturing facilities, warehousing, and business parks. The site is within an existing industrial park and is compatible with surrounding uses and, therefore, meets the intent of the Employment Character Area designation.

Falcon Field Sub Area Plan:

The property is also located within the Falcon Field Sub-Area. A Falcon Field Sub Area Plan was adopted by the City Council in 2007 to provide a planning policy document that is focused on the unique characteristics of the area including airport operations and strong business linkages to the airport. One of the goals of the plan is to ensure the Falcon Field Sub Area is an oasis of abundant, high-quality employment for professionals, technical experts, and highly skilled labor. The proposed expansion meets the goals of the Falcon Field Sub-Area Plan by expanding an existing high quality industrial site within the sub area.

Site Characteristics:

The subject site is located within an existing industrial park at the northwest corner of Greenfield and McDowell Road, less than one mile from the Falcon Field Airport. The site is 3± acres and is zoned LI. The site has access from North Omaha to the west, East Palm Street to the north, and North Oakland to the east. Parking is located to the north and east side of the building. The 11,451 square foot building expansion will be built to the west of the existing building where the existing screened storage yard is located. Per the plan, two automatic gates will be installed at the southeast and southwest corners of the building to create a new screened storage area and an additional parking area. The site plan also shows an outdoor amenity area at the northwest corner of the building for employment use.

Surrounding Zoning Designations and Existing Use Activity:

Northwest LI Industrial/Vacant	North LI Industrial	Northeast LI Industrial
West LI Vacant	Subject Property LI Industrial	East LI Industrial
Southwest LI Auto Repair	South LI Industrial	Southeast LI Industrial

Mesa Zoning Ordinance Requirements and Regulations:

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

The subject site is non-conforming as it does not conform to landscape yard width requirements per Section 11-7-3(A) and 11-33-3(B)(2)(a); landscape parking lot island sizes per MZO Section 11-33-4(B)(2); foundation base requirements per MZO Section 11-33-5(A), and parking stall dimensions per MZO table 11-32-2(H)(1). 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>Landscaping yard width for Non-Single Residence Uses Adjacent to Other Non-Single Residence</i> - MZO Section 11-33-3(B)(2)(a) South	15'	12'-4" Existing	As proposed
<i>Front and Street Facing Side Landscape yard</i> - MZO Section 11-7-3(A) North	20'	18'-11" Existing	As proposed
<i>Interior Parking Lot Landscaping Islands</i> - MZO Section 11-33-4(B)(2) Landscape Island Size	8'x15'	Minimum 5'-3"x 15' Existing	As proposed
<i>Foundation Base Along Exterior Walls</i> - MZO Section 11-33-5(A) North (Exterior wall with public entrance) East (Exterior wall without a public entrance)	15' 10'	4'-3" Existing 6'-10" Existing	As proposed As proposed
<i>Standard Parking Space and Aisle Dimensions</i> - MZO Table 11-32-2(H)(1) 90-degree parking stall size	9'x18'	9'x16' Existing	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:

- An outdoor amenity area for employees at the northeast corner of the building.
- Increased foundation base area north of the addition for an entry plaza.
- Additional parking and drive aisle screening along the northwest corner of the site.

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

Full compliance with the MZO would require demolition of the existing building to provide additional area for parking spaces, drive aisles, and foundation base area to meet MZO and fire code requirements.

The request complies 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 business to be replaced 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 improvements will bring the site into further compliance with the MZO, enhance the appearance of the site, 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.

Findings:

- A. The subject site is zoned LI and indoor manufacturing and warehousing are permitted uses in the LI zoning district.

- B. The existing site was developed in 2002 and does not meet current MZO development standards and is therefore nonconforming.
- 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 and parking areas.
- D. The addition will not create any new nonconformities.
- E. Improvements to the site include adding an outdoor open space for employees, increased foundation base area north of the building for an entry plaza, and additional parking and drive aisle screening.
- F. 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.
- 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 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. *Approval of the Site Plan and Design Review requests, and compliance with the conditions of approval for ZON21-01311 and DRB21-01257.*
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.*

Exhibits:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Narrative and Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan
- Exhibit 6 – Building Elevations