



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

September 7, 2022

CASE No.: BOA22-00764	CASE NAME: 3M3 Creations
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Owner's Name:	MORENO YESICA MARCELA MONTOYA/GALLEGO ANNY JOHANA TORRES
Applicant's Name:	Jason Doty, Scottsdale Architecture
Location of Request:	325 North Alma School Road. Located east of Alma School Road and south of University Drive.
Parcel Nos:	135-54-013D
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the enlargement of a legal nonconforming commercial structure within the Office Commercial (OC) Zoning District
Zone District:	Office Commercial (OC)
Council District:	4
Site size:	0.2± acres
Existing use:	Office and Personal Services
Hearing Date:	September 7, 2022
Staff Planner:	Josh Grandlienard, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **December 6, 1948**, the subject property was annexed into the City of Mesa as part of a 2,419± acre annexation and subsequently zoned Multiple Residence (RM-2) on January 5, 1949 (Ordinance No. 228).

On **November 6, 2006**, the City Council approved a rezoning of 1± acre, including the 0.2± acre subject property, from Limited Commercial (LC) and Single Residence 6 (RS-6) to Office Commercial (OC)(Case No. Z06-063; Ordinance No. 4610).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to allow for the enlargement of a legal nonconforming commercial structure within the Office Commercial (OC) Zoning District. The existing office building located on the western boundary of the property and the existing site improvements were constructed in the mid 1960's, with minimal front and side setbacks and minimal perimeter, parking lot and foundation base landscaping. The existing office building does not conform to the development standards for the OC zoning district per Chapter 11-6 of the Mesa Zoning Ordinance (MZO), specifically, Table 11-6-3(A); therefore, the subject site is considered legal non-conforming.

Due to existing conditions, achieving full conformance with the MZO would require significant alterations to the site, including the building setbacks, perimeter landscaping, landscape base, parking area, and on-site circulation. Section 11-73 of the MZO establishes the SCIP process and review criteria, which allows the site to be brought into substantial conformance without bringing the entire site into full conformance with the development standards of the MZO. Due to the existing placement of the office building, significant alterations to the site, including demolition of the existing building, reorientation of the parking area, and redesign of on-site circulation would need to occur to bring the site into full conformance with current MZO development standards. The SCIP will allow for the existing office building to remain in its current location within a portion of the required front and side setback area along the western and northern property lines.

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 schools, parks, places of worship, and local serving businesses. The proposed office use is consistent with the Neighborhood Character Area of the General Plan.

Site Characteristics:

The subject property is located on the west side of North Alma School Road, south of University Drive, and consists of one developed parcel approximately 0.2± acre in size. The existing office building will remain in its current location with the subject request.

The proposed site plan shows a new single-story 336 square-foot addition on the southeastern portion of the existing office building. Access to the site is provided from Alma School Road at

the southern side of the site with full automobile access provided. A system of pedestrian walkways will connect primary building entrances to parking areas and the existing sidewalk within adjacent right-of-way.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across N. Alma School RD) LC-BIZ Commercial	North LC Laundromat	Northeast LC Laundromat
West (Across N. Alma School RD) LC-BIZ Commercial	Subject Property OC Office	East OC Vacant
Southwest (Across N. Alma School RD) LC-BIZ Commercial	South OC Vacant	Southeast OC Vacant

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 current building setback standards per Sections 11-5-5) 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>Building Setbacks:</i> North property line, [Table 11-5-5]	15'	1'-3"	As proposed
<i>Building Setbacks:</i> West property line [Table 11-5-5]	25'	10'	As proposed
<i>Required Parking:</i> [Table 11-32-3.A]	7 spaces	4 spaces	As proposed
<i>Foundation Base:</i> [Section 11-33-5]	15' wide	Average of 5'	As proposed
<i>Perimeter Landscaping:</i> [Table 11-33-3.A.4]	1 Tree and 6 Shrubs per 25 Linear Feet of Street	15 shrubs for 75' of linear feet of street	As proposed

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
	Frontage	frontage	
<i>Perimeter Landscaping: North Property Line [Section 11-33-3.B.2]</i>	15'	1'-3"	As proposed
<i>Parking Lot Landscaping: [Section 11-33-4]</i>	1 tree and 3 shrubs per parking island at the end of each row of stalls	1 tree and 2 shrubs per parking island provided	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:

- Installation of a drive aisle and fire access lane.
- Installing a paved surface for parking that also provides for marked parking spaces to replace the existing unmarked dirt lot parking lot and to bring the site in conformance with the required paving and dust prevention. Currently there are no delineated parking spaces on site.
- Improving the existing pedestrian connections within the site and providing access to Alma School Road to meet ADA requirements and providing required planting and shading adjacent to the walkways.

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 existing non-conforming building, 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 office building to be replaced and would discourage redevelopment on this site.

The request complies with this criterion.

3. The creation of new non-conforming conditions.

The proposed addition will not expand within the previously required setbacks. Therefore, no new non-conforming conditions will be created with the construction of the new structure.

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 improve the existing site that was previously a daycare center and was then vacant for a number of years prior to being purchased by the applicant for an office and personal services use. 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.

SCIP Findings

- A. The site is zoned OC, and the existing office building was developed in the mid 1960's.
- 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 the existing structure and alterations to the on-site circulation and parking.
- D. Improvements to the existing site including landscape improvements around the western perimeter and within the parking field and site overall.
- 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. *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 – Site Plan
Exhibit 4 – Landscape Plan
Exhibit 5 - Building Elevations
Exhibit 6 – Narrative/Justification Statement
Exhibit 7 – Citizen Participation Plan
Exhibit 8 – Citizen Participation Report