



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

April 3, 2024

CASE No.: BOA24-00055	CASE NAME: Native Health
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Owner’s Name:	Native Health
Applicant’s Name:	Anthony Dobbs, JSRA
Location of Request:	777 West Southern Avenue
Parcel Nos:	134-22-004L
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards within the Limited Commercial (LC) district.
Zone District:	Limited Commercial (LC)
Council District:	4
Site size:	3.15 ± acres
Proposed use:	Medical Office
Hearing date(s):	April 3, 2024 / 5:30 p.m.
Staff Planner:	Chloe Durfee Daniel
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **August 17, 1970**, the City Council annexed 675.8± acres, including the project site, into the City of Mesa (Ordinance No. 675).

On **November 12, 1996**, the Zoning Administrator approved a variance to allow covered parking to encroach into a setback on the project site within the LC zoning district (Case No. ZA96-151).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards for a medical office in the Limited Commercial

(LC) district. The proposed project involves combining two of the existing buildings in to one larger building to allow the existing medical office to expand while reconfiguring the parking lot and providing additional landscaping to bring the site into substantial conformance.

Maricopa County historical aerial photos indicate that the project site was developed sometime between 1976 and 1979. Then, in 1996, the Zoning Administrator approved a variance to allow covered parking to encroach into the required setback along the south property line. The existing site improvements were constructed in accordance with the zoning codes in effect at the time; however, some of the existing site improvements do not conform with current development standards of Section 11-6-3 of the Mesa Zoning Ordinance (MZO) and the site is considered legal non-conforming. Due to existing conditions, achieving full conformance with the MZO would require significant alterations to the site including cross drive aisles, setbacks along the east, south, and west property lines, and foundation base area which would require the demolition of the existing structure on the site.

Chapter 11-73 of the MZO establishes the SCIP process and review criteria to allow a non-conforming site to be brought into substantial conformance without having to bring the entire site into full conformance. To bring the project site into substantial conformance, the applicant is proposing new trees and shrubs planted in the required landscape yards along Southern Avenue and Cherry to meet MZO requirements, a new pedestrian walkway to Southern Avenue, a reconfigured parking lot including landscape areas to meet MZO requirements, and new foundation base plant material.

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 Area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community, with a wide range of housing options. Neighborhoods often have associated nonresidential uses such as schools, parks, places of worship, and local businesses. The property is also located within the Transit Corridor. The Transit Corridor includes light rail, bus rapid transit corridors, and areas designated for a consistent high level of transit options. The focus of this area is to develop a mixed-use, pedestrian oriented, and urban environment, particularly within walking distance of transit stops. This character type overlays the other character types and is used to transition the area into a more transit and pedestrian oriented development form. The proposed medical office expansion is consistent with the goals and objectives of the Mesa 2040 General Plan by providing supportive commercial use to the surrounding neighborhoods and contributing to the overall vitality of the commercial area.

Site Characteristics:

The project site is located on the south side of Southern Avenue, between Extension Road and Cherry. It is 3.15± acre in size and zoned Limited Commercial (LC). Access to the site is provided by existing driveways from Southern Avenue, Extension Road, and Cherry. The site plan shows the existing outlines of buildings A, B, and C as well as the new combination of buildings D and E for Native Health. Landscaping and parking surround the buildings. A total of 148 parking spaces are required and 148 spaces are shown on the submitted site plan.

The landscape plan indicates a variety of trees, shrubs and ground cover planted within the landscape yards along Extension Road, Southern Avenue, and Cherry. Internal to the site, a variety of trees, shrubs and ground cover are planted in the parking lot islands and foundation base areas.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across Southern Ave. and Extension Rd.) LC Commercial Development</p>	<p>North (Across Southern Ave.) LC Commercial Development</p>	<p>Northeast (Across Southern Ave.) LC Commercial Development</p>
<p>West (Across Extension Rd.) RM-4 Multi-Residential</p>	<p>Subject Property LC Office/Commercial Development</p>	<p>East (Across Cherry) OC Office Development</p>
<p>Southwest (Across Extension Rd.) RM-4 Multi-Residential</p>	<p>South RS-6 Single Residential</p>	<p>Southeast (Across Cherry) RS-6 Single Residential</p>

Mesa Zoning Ordinance Requirements and Regulations:

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

The subject site is non-conforming as it does not conform to the development standards of Section 11-6-3, on-site circulation standards of Chapter 32, and the landscape requirements of Chapter 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
<p><i>Setback of Cross Drive Aisles and Parking Spaces from property line abutting the street – [Section 11-32-4.A]:</i></p>			
<p>Cross drive aisle parallel to Southern Ave</p>	50-feet	30 feet	As proposed
<p>Cross drive aisle parallel to Extension Road</p>	50-feet	0 feet	As proposed

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
Parking Spaces along main drive aisle connecting to Cherry	50-feet	13.33 feet	As proposed
<i>Connection to Public Sidewalk – [Section 11-30-8.A]:</i> Cherry Extension Road	An on-site walkway shall connect the main entry to a public sidewalk on each street frontage of the site.	Not provided Not provided	As proposed As proposed
<i>Foundation Base – [Section 11-33-5.A]</i> North Side	15 feet	12' 4"	As proposed
<i>Foundation Base Landscaping – [Section 11-33-5.B]</i>	1 tree per 50 linear feet	Existing conditions with the addition of new landscape islands	As proposed
<i>Building Setbacks – [Section 11-6-3.A]</i> South East	15 feet 20 feet	0 feet 8' 3" feet	As proposed As proposed
<i>Landscape Setbacks – [Section 11-6-3.A]</i> South East West	15 feet 20 feet 15 feet	0 feet 8' 3" feet 0 feet	As proposed As proposed As proposed

To bring the site into substantial conformance with the development standards of the MZO, the following improvements are proposed:

- New trees and shrubs are planted in the required landscape yards along Southern Avenue and Cherry to meet MZO requirements.
- New pedestrian walkway is added to provide access to Southern Avenue.

- Reconfigured parking lot including landscape islands to meet MZO requirements.
- New foundation base plant material is provided to bring the site into substantial conformance.

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 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 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 impose an extreme hardship that may cause the preclusion of the proposed use.

The request complies with this criterion.

3. The creation of new non-conforming conditions,

The proposed improvements will not create any new non-conformities.

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 redevelopment of the commercial uses on the site is compatible with the surrounding neighborhood and improves the overall project site. Therefore, staff believes the proposed request will not be detrimental to adjacent properties or neighborhoods.

The request complies with this criterion.

Findings:

- A. The site is zoned LC and per Table 11-6-2 of the MZO, a medical office is a permitted use in the LC District.
- B. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- C. Full compliance with current MZO development standards would require significant alterations to the site.
- D. Improvements to the site include planting new trees, shrubs, and ground cover in the required landscape yards along Southern and Cherry, reconfiguring the parking lot including new landscape islands, and providing new landscaping in the foundation base areas.
- 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 to 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 sent the required notification letters to all property owners within 500 feet of the subject site. As of the date of this report, staff has not been contacted by any of the neighbors.

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 of the MZO; therefore, staff recommends approval with the following conditions:

Conditions of Approval:

- 1. Compliance with the final site plan and landscape plan.
- 2. Compliance with Zoning Case No. ZON24-00056.
- 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 – Staff Report
- Exhibit 2 – Vicinity Map
- Exhibit 3 – Project Narrative/Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan
- Exhibit 6 – Elevations