

Board of Adjustment

Staff Report

CASE NUMBER: BOA17-00576
STAFF PLANNER: Veronica Gonzalez, Planner II
LOCATION/ADDRESS: 1920 S. Alma School Rd.
COUNCIL DISTRICT: District 3
OWNER: FNS Venture I, LLC
APPLICANT: PM Design Group, Inc., Keilah Casillas

REQUEST: *Requesting: 1) a Special Use Permit (SUP) to allow a car wash in the LC – PAD District; and 2) a Substantial Conformance Improvement Permit (SCIP) to allow deviations from development standards for the modification of a car wash in the LC-PAD District.*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the redevelopment of an existing car wash. The applicant proposes to add 21 vacuum stations and make minor modifications to the existing car wash tunnel. Car wash uses within the LC zoning district require the granting of a Special Use Permit (SUP). The property has been used as a car wash since the mid-1980's when the Board of Adjustment made the determination that the use was permitted by right in the LC zoning district (BA84-008). This determination was because the car wash at the time was a fully enclosed auto service facility rather than a mechanical car wash. Since the car wash is being modified and expanded, a SUP is required.

The proposed renovations to the car wash require minor modifications to the site plan approved in 1984 with case SPM84-002. As a result, approval of an Administrative Review for Site Plan Modification through the Planning Director will be required (see condition #4).

STAFF RECOMMENDATION

Staff recommends **approval** of case **BOA17-00576**, conditioned upon the following:

1. *Compliance with the project narrative, site plan and landscape plan submitted, except as modified by the conditions below.*
2. *Compliance with all requirements of the Development Services Department in the issuance of building permits.*
3. *Submit a revised landscape plan for review and acceptance by the Planning Director, adding*
 - a. *Landscaping to properly screen the new trash enclosure location along Javelina Avenue;*
 - b. *Landscaping to replace any missing or non-thriving plants in compliance with SPM84-004.*
4. *Approval and compliance with the associated Administrative Review for Site Plan Modification through case ADM18-00028.*

SITE CONTEXT

CASE SITE: Existing car wash – zoned LC-PAD
NORTH: (Across Javelina Avenue) Existing multi-residence development – zoned RM-3-PAD
EAST: (Across Alma School Road) Existing office development – zoned LC-PAD

SOUTH: Existing office development – zoned LC-PAD
WEST: Existing office development – zoned LC-PAD

STAFF SUMMARY AND ANALYSIS:

Special Use Permit (SUP):

The Mesa Zoning Ordinance requires approval of a Special Use Permit (SUP) along with additional development standards beyond the minimum requirements for LC zoning district for a car wash. The original car wash was constructed in the mid-1980's and received a determination from the Board of Adjustment that the use was permitted in the LC zoning district by right (BA84-008). That determination was based in large part on the fact that the car wash was operated as a fully enclosed auto service facility. The proposed modifications will change the business operations of the car wash with the addition of the exterior vacuum canopies thus necessitating approval of a SUP.

Following is a table that outlines the required findings for granting a Special Use Permit:

REQUIREMENT	FINDINGS
Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies.	The site is in a Mixed Use Activity District as defined in the General Plan. The request is consistent with the General Plan policies.
The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;	The site meets MZO location criteria for automobile/vehicle washing uses. The proposed project is consistent with the uses where it is located and conforms with the General Plan.
The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and	The existing building was constructed as a full service car wash facility in the mid-1980's. The proposed site modifications and change in business model in compliance with the Plan of Operation will not be injurious or detrimental to the surrounding property owners, the neighborhood or the City.
Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	The site is service by adequate public services, public facilities and public infrastructure.

The following table outlines additional Special Use Permit criteria applicable to automobile/vehicle washing uses:

REQUIREMENT	FINDINGS
The number of automobile related activities within 600' of an intersection of arterial streets shall not exceed 2, including automobile/vehicle washing, automobile service stations, automobile sales or rental lots, or automobile/vehicle repair.	The site is an existing automobile/vehicle washing use. This project will not increase the number of automobile related uses within 600' of an arterial intersection.
Proposed locations within "-U" designated areas shall be oriented with canopies and fuel dispensing equipment away from the street, either to the side or to the rear of a building.	The proposed location is not within "-U" designated areas.

Compliance with all development standards for the applicable zoning district, including compliance with all requirements for automobile related services located in all mixed districts and “-U” designated districts.	The existing site improvements were constructed in the mid-1980’s under different development standards. This proposal includes a request for a SCIP to bring the site into closer compliance with current development standards.
The use is found to be in compliance with the General Plan, applicable Sub-area plans and other recognized development plans or policies, and will be compatible with surrounding uses	The use is in compliance with the General Plan Mixed Use Activity District designation and will be compatible with surrounding uses.
Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use shall adequately provide paved parking and on-site circulation in a manner that minimizes impacts on adjacent sites; and existing or proposed improvements to the site shall minimize dust, fugitive light, glare, noise, offensive smells and traffic impacts on neighboring residential sites.	Acceptable documentation has been presented demonstrating existing and proposed improvements will not negatively impact adjacent sites or neighboring residential sites.
A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations.	An acceptable Plan of Operation has been submitted by the applicant.
A finding that a "good neighbor policy" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses. Such policies shall include, but are not limited to, the name and telephone number of the manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures.	A “good neighbor policy” in narrative form has been submitted by the applicant.
Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current City development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines	This proposal includes a request for a SCIP to bring the site into closer compliance with current development standards.

FINDINGS FOR SUP:

1. The car wash has been in existence since the mid-1980’s.
2. The proposed modifications of the car wash, with the recommended conditions of approval, will not be injurious or detrimental to the adjacent or surrounding properties.
3. The property is being brought into closer compliance with code through the accompanying SCIP request.
4. The project site exceeds the minimum 10% landscape area requirement for car washes.
5. A plan of operation and “good neighbor policy” has been submitted.
6. The proposed project is consistent with the General Plan.

Substantial Conformance Improvement Permit (SCIP):

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the redevelopment of an existing car wash that has been in existence since the mid-1980's. The business model of this car wash is changing from a traditional staffed car wash to a self-serve car wash. As part of the self-serve business model, customer operated vacuum canopies are being added. The property is an existing legal non-conforming site that requires compliance with current development standards due to the addition of the vacuum canopies. Since the development standards in the mid-1980's were different than what is currently required by the Mesa Zoning Ordinance, a SCIP has been requested for deviations to current development standards.

The table below is a summary of the minimum Code requirements, applicant's proposal and staff recommendation for the site:

DEVELOPMENT STANDARDS:

Development Standard	Code Requirement	Applicant Proposed	Staff Recommended
Alma School Road	15' building/landscaping	Varies: 0' to 20'-9"	As proposed
Javelina Avenue	20' building/landscaping	Varies: 0' to 20'	As proposed
West Property Line Setback	0'	0'	As proposed
South Property Line Setback	0'	Varies: 3' to 15'	As proposed
Parking	1 space/375 SF under roof including the service bays, wash tunnels and retail = 23 required	21 spaces/ vacuum canopies + 2 ADA accessible spaces provided	As proposed
Foundation Base	Exterior walls without Public Entrance: 5' Min. Exterior walls with Public Entrance: 15' Min.	Varies: 5' minimum	As proposed
Landscape Island Width	8 feet wide	Varies	As proposed
Landscaping Percentage	Minimum of 10% of site	23% of site	As proposed

The requested SCIP would allow a reduction in the building setbacks, landscape setbacks and foundation base. As justification for granting the SCIP, the applicant has noted the following: 1) required setbacks cannot be met without removal or relocation of existing improvements and 2) additional landscaping will be installed along the south property line where none currently exists.

The modification of the site includes relocating the trash enclosure to accommodate the new self-serve vacuum canopies. The proposed location of the new trash enclosure has been approved by the Environmental Management and Sustainability Department in terms of meeting requirements to access and service the trash bin. To screen the trash enclosure from the street, additional landscaping will need to be installed in the surrounding area (see condition #3).

FINDINGS FOR SCIP:

1. This request for a SCIP would allow for the redevelopment of an existing car wash.
2. Installation of new self-serve vacuum canopies have invoked conformance to current development standards.
3. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
4. Full compliance with current code would require removal or relocation of existing improvements.
5. The deviations requested are consistent with the degree of change and will improve the site.
6. The proposed new improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.

ORDINANCE REQUIREMENTS:

Mesa Zoning Ordinance, Sec 11-70-5: Special Use Permit

E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Mesa Zoning Ordinance, Sec 11-31-7: standards for specific uses and activities automobile/vehicle washing

Automobile Washing, as described in Section 11-86-4, shall be located, developed, and operated in compliance with the land use regulations in Article 2 and the following standards:

- A. **Location.** Automobile/Vehicle Washing, as a primary use, is only allowed on sites with at least one frontage on an arterial street.
- B. **Setbacks.** No building or structure shall be located within 20 feet of any interior lot line abutting a

residential zoning district.

- C. **Drive-up Aisles and Required Queuing Area.** Drive-up aisles shall be at least 11 feet wide; if adjacent to a street, they shall be screened as specified in Section 11-30-9(E), Drive-through Windows and Automated Car Washes. The drive-up aisle shall provide queuing space, with no encroachment into required landscape areas or building setbacks, for at minimum:
 - 1. 4 vehicles per pull-through rack for each automatic wash bay.
 - 2. 3 vehicles per bay for self-serve, coin-operated and/or hand wash facilities.
- D. **Landscaping.** Automobile/Vehicle Washing, as a primary use, in addition to perimeter, parking lot and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area.
- E. **Litter.** One permanent, non-combustible trash receptacle per wash bay is required.
- F. **Noise.** Sound attenuating measures shall be incorporated into the building design and construction to absorb noise such that the sound level readings at the street and at interior property lines are no more than 55 decibels. Mechanical equipment for centralized vacuum equipment shall be housed in an enclosed room.
- G. **Additional Special Use Permit Criteria.** When a Special Use Permit is required by Article 2, each of the following items shall be included in the evaluation:
 - 1. The number of automobile related activities within 600-feet of an intersection of arterial streets shall not exceed 2, including automobile/vehicle washing, automobile service stations, automobile sales or rental lots, or automobile/vehicle repair.
 - 2. Proposed locations within “-U” designated areas shall be oriented with canopies and fuel dispensing equipment away from the street, either to the side or to the rear of a building.
 - 3. Compliance with all development standards for the applicable zoning district, including compliance with all requirements for automobile related services located in all mixed districts and “-U” designated districts.
 - 4. The use is found to be in compliance with the General Plan, applicable Sub-area plans and other recognized development plans or policies, and will be compatible with surrounding uses;
 - 5. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use shall adequately provide paved parking and on-site circulation in a manner that minimizes impacts on adjacent sites; and existing or proposed improvements to the site shall minimize dust, fugitive light, glare, noise, offensive smells and traffic impacts on neighboring residential sites.
 - 6. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations.
 - 7. A finding that a “good neighbor policy” in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses. Such policies shall include, but are not limited to, the name and telephone number of the manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures.
 - 8. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current

City development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines.

Mesa Zoning Ordinance, Sec 11-73-3 Substantial Conformance Improvement Permits Required Findings

A SCIP shall not be granted unless the Zoning Administrator, acting as Hearing Officer, or 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
 - 2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
 - 3. The creation of new non-conforming conditions.
- B. The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.