



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**October 7, 2020**

CASE No.: **BOA20-00580**

CASE NAME: **Dental Depot**

Owner's Name:	MT Bross LLC
Applicant's Name:	Phil Fitzgerald, Fitzgerald and Associates
Location of Request:	2311 W Broadway Road
Parcel Nos:	134-39-004Z
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards to develop a dental office in the LC District.
Zone District:	Limited Commercial (LC)
Council District:	3
Site size:	1.5 ± acres
Proposed use:	Dental Office
Existing use:	Vacant
Hearing date(s):	<b>October 7, 2020 / 5:30 p.m.</b>
Staff Planner:	Kellie Rorex
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **November 4, 1968** the City Council annexed approximately 356 ± acres, including the subject site, into the City of Mesa (Ordinance No. 602).

On **March 29, 1994**, the Board of Adjustment approved a variance request to facilitate the development of an automotive repair building on the subject site (Case No. BA87-082).

The approved variance allowed:

- A zero-lot line along the west property line; and,
- Parking to encroach into the required landscape yards along the east and south property lines.

On **April 11, 2000**, the Board of Adjustment approved a special use permit to allow for the development of a convenience store and fueling station, and a variance to reduce the rear yard setback (southern property line) from 20 feet to ten feet (Case No. BA99-043).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to redevelop an existing convenience store into a dental office within the Limited Commercial (LC) zoning district. 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 subject site consists of an existing 5,327 square foot convenience store located along the southern portion of the site and a large concrete pad (former drive aisles and parking lot) north of the building. The convenience store is no longer open and the site has sat vacant for several years. The applicants are proposing to redevelop the site, using the existing building, and proposing to add two additions totaling 1,658 square feet.

The existing concrete pad does not meet setback requirements of Section 11-6-3(A), which requires a 15-foot street facing setback adjacent to an arterial road. The applicants are requesting a SCIP to maintain the existing 10-foot setback, thus allowing for excess parking being requesting through a separate Administrative Use Permit (AUP) application. The provided landscape plan shows that the site will still be able to provide the required perimeter street landscaping per MZO Section 11-33-3(A). Additional improvements include a new foundation base area along the north portion of the building, parking lot landscape islands, and new parking lot striping. The proposal will be going to the Design Review Board on October 13, 2020 for elevation and landscaping review and to the Planning and Zoning Board for Site Plan Review (SPR) on October 14, 2020. The request for excess parking will be reviewed and considered administratively through an AUP application.

### **General Plan Character Area Designation and Goals:**

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood with a Suburban sub-type. Per Chapter 7 of the 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. Non-residential areas within Neighborhood districts should be designed and located to bring people together and to not disrupt the fabric and functioning of the neighborhood as a place where people live.

Per the General Plan, commercial areas along the border of a neighborhood are considered part of the Neighborhood character type. The subject request, to develop a dental office, complies with the goals of the Mesa 2040 General Plan and is a supported secondary use in the Neighborhood Character Area. The development will revitalize the unoccupied corner and serve people in the surrounding community.

**Site Characteristics:**

The subject site is located on the southwest corner of Broadway Road and Valencia. The site is 1.5 ± acres in size and is zoned Limited Commercial (LC). The submitted site plan shows an existing 5,327 square foot building on the south side of the site with two proposed additions that total 1,658 square feet. Access to the site will be through two existing drives, one off of Broadway Road and the other off of Valencia.

The required number of spaces for a medical/dental facility, per MZO Table 11-32-3(A) is 35 Parking spaces, the applicants are proposing 56 spaces. Parking that exceeds 125% of the required number of spaces, as designated in MZO Table 11-32-3(A), is allowed with the approval of an AUP per MZO Section 11-32-3(C)(5). The applicants are requesting an AUP to exceed the allowed maximum number of spaces per the medical use proposed on the site. The justification for excess parking is that similar Dental Depot developments of the same size have needed around 50-60 spaces due to the large number of operatories and staff on site at one time.

The applicants are also proposing new foundation base around the front of the building to comply with MZO Section 11-33-5(A)(1)(b), which requires medical offices under 10,000 square feet to provide a patient drop off area that is at least 13 feet wide. The added foundation base will allow for the required drop off area and will provide benches, landscaping, and a model train for the enjoyment of patients frequenting the business. Lastly, the parking area will be restriped, and parking lot landscaping islands will be provided that comply with MZO Section 11-33-4(B).

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

<b>Northwest</b> (Across Broadway) LI-PAD-CUP Existing Industrial Park	<b>North</b> (Across Broadway) LI-PAD-CUP Existing Industrial Park	<b>Northeast</b> (Across Broadway) LI-PAD-CUP Existing Industrial Park
<b>West</b> LC Existing Commercial	<b>Subject Property</b> LC Existing Commercial	<b>East</b> (Across Valencia) LC Existing Commercial
<b>Southwest</b> LC/RM-4 Existing Commercial/Existing Multi-Residential	<b>South</b> RM-4 Existing Multi-Residential	<b>Southeast</b> (Across Valencia) RM-4 Existing Multi-Residential

**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 street side landscape setback requirements per Section 11-6-3(A) of the Mesa Zoning Ordinance (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 Requirement	Applicant Proposes:	Staff Recommends:
<i>Street Side Landscaping Setback (Broadway Road)</i>	15'	10'	As proposed

**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

**Full compliance with the zoning ordinance would require demolition of the concrete pad (former drive aisles and parking lot) that the applicant desires to use this area as their parking field.**

2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.

**The degree of improvements proposed to the site are commensurate with the deviations being requested. The proposed improvements will not prevent the development of the site for medical offices as permitted in the LC District.**

3. The creation of new non-conforming conditions.

**The proposed redevelopment of the site 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 proposed improvements will revitalize the street corner and provide an efficient buffer between commercial uses along Broadway Road and the neighborhood to the south of the site.**

***The request complies with this criterion.***

### **Findings:**

- A. The site is zoned LC and has an existing building located on the site that has sat vacant for several years.
- B. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- C. The applicants are currently in the review process for an AUP to exceed the required number of parking spaces for the use on the site.
- D. Improvements to the site include the addition of parking lot landscape islands, restriping of the parking area, and adding additional landscaping to the parking lot and foundation base area.
- E. The modifications requested along with the proposed improvements are consistent with the degree of change requested to improve the site and 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 the 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 MZO Section 11-73-3, and therefore recommends approval with the following conditions.

### **Conditions of Approval:**

- 1. Compliance with the final site plan and all requirements of case ZON20-00488.
- 2. Compliance with the final elevations, landscape plan, and all requirements of case DRB20-00495.
- 3. Prior to application for a building permit, receive approval of an Administrative Use Permit for 56 parking spaces.
- 4. Compliance with all City development codes and regulations, except as identified in Table 1 of this report; and
- 5. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
- 6. All signage to be reviewed and approved through a separate permit application.

### **Exhibits:**

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan