



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**April 7, 2021**

CASE No.: <b>BOA20-00626</b>	CASE NAME: Casa Ramos Restaurant
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Owner's Name:	Casa Ramos Inc.
Applicant's Name:	Justin Pasternak
Location of Request:	1526 East Main Street
Parcel Nos:	138-05-135A
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for the redevelopment of a restaurant.
Zone District:	General Commercial (GC)
Council District:	4
Site size:	.8± acres
Existing use:	Restaurant
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **January 5, 1949**, the City Council annexed approximately 2,419± acres, including the subject site, into the City of Mesa (Ordinance No. 228).

Maricopa County's historical aerial photos indicate the site was developed in the late 1960's.

Maricopa County Assessor's records indicate the area of the building on the site was 6,158 square feet.

On **February 7, 2020**, the Fire Department responded to fire that destroyed the existing restaurant building.

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to rebuild a restaurant destroyed by fire within the General Commercial (GC) District. The applicant is proposing to reconstruct a 5,630 square foot restaurant building within the footprint of the previous building that was destroyed by a fire. The previous building and existing site improvements were constructed in the late 1960's/early 1970's, with minimal rear and side setbacks, and minimal perimeter, parking lot and foundation base landscaping. The fire-destroyed building did not conform to the current setback requirements of Section 11-6-3 of the Mesa Zoning Ordinance (MZO) or landscape standards of Chapter 11-33 of the MZO; 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 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 Mesa 2040 General Plan Character Area designation on the property is Neighborhood with a Suburban Sub-type. 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. The Suburban Sub-type is the predominant neighborhood pattern in Mesa. These neighborhoods are primarily single residence in nature but may also contain areas of higher density residential and commercial uses along arterial frontages and at major street intersections. The proposed restaurant use conforms with the General Plan's Neighborhood Character Area and Suburban Sub-type designation for the property.

The subject site also lies within the Transit Corridor Character Type of the Mesa 2040 General Plan. The Transit Corridor Character Type includes the light rail corridor, bus rapid transit corridors, and areas designated for a consistent high-level of transit options. The focus in this character type is to develop a mixed-use, pedestrian-oriented, urban environment, particularly within walking distance of transit stops. This character type overlays other character types and is used to transition the area into a more transit and pedestrian-oriented development. The proposed site plan conforms to goals of the Transit Corridor by placing the proposed building in close proximity to the adjacent street and providing a sidewalk connecting the subject site to the public sidewalks adjacent to Main Street, which in-turn provides a pedestrian path to the light rail stations located along Main Street.

Lastly, the subject site is within Central Main Street Area Plan, specifically with the Fraser/Sherwood Neighborhood Planning Area. Key recommendations for the Fraser/Sherwood Neighborhood Planning Area are creating a mixed-use, local-scaled, pedestrian-friendly transit village focused on the light rail stations and improving the pedestrian environment along arterial streets. The proposed site plan conforms to key recommendations of the Central Main Street

Area Plan for the Fraser/Sherwood Neighborhood by providing hardscape and landscape improvements along Main Street.

**Site Characteristics:**

The subject site is located at the northwest corner of East Main Street and North Hunt Drive. North Hunt Drive is located over one-third mile east of Stapley Drive. The site is .8± acres in size and is zoned General Commercial (GC). Access to the site is provided by a driveway along East Main Street and two driveways along North Hunt Drive. The new building is placed to engage the Main Street right-of-way with parking spaces located east and north of the building.

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

<b>Northwest</b> LC Commercial	<b>North</b> (Across Main Street Alley) RS-6 Single-Residences	<b>Northeast</b> (Across Hunt Drive) RS-6 Single-Residences
<b>West</b> GC Commercial	<b>Subject Property</b> GC Commercial	<b>East</b> (Across North Hunt Drive) GC Commercial
<b>Southwest</b> (Across Main Street) GC Commercial	<b>South</b> (Across Main Street) GC Commercial	<b>Southeast</b> (Across Main Street) GC Commercial

**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 and landscape setback standards per Sections 11-6-3 of the MZO, or landscape standards per Chapter 11-33 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:**

<b>Development Standard</b>	<b>MZO Requirements</b>	<b>Applicant Proposal</b>	<b>Staff Recommendation</b>
<i>Setbacks - building:</i> West (GC District) [Table 11-6-3.A]	15'	<b>10'</b>	As proposed
<i>Setbacks – landscape area:</i> North (RS-6 District) [Section 11-33-3(B)(1)(a)]	20'	<b>2'-4'</b> <b>Existing</b>	As proposed

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
East (Hunt Drive/local street) [Table 11-6-3.A]	20'	<b>0'-12'9"</b>	As proposed
West (GC District) [Section 11-33-3(B)(2)(a)]	15'	<b>0'-15'</b>	As proposed
<i>Perimeter landscaping:</i> North (RS-6 District) [Section 11-33-3(B)(1)(c)(iii)]	4 trees and 20 shrubs per 100 linear feet	<b>2 trees, 45 shrubs</b>	As proposed
East (Hunt Drive/local street) [Table 11-33-3(A)(4)]	4 trees and 16 shrubs per 100 linear feet	<b>6 trees, 40 shrubs</b>	As proposed
South (Main Street/arterial street) [Table 11-33-3(A)(4)]	4 trees and 24 shrubs per 100 linear feet	<b>4 palms/trees, 36 shrubs</b>	As proposed
West (GC District) [Section 11-33-3(B)(2)(c)]	3 trees and 20 shrubs per 100 linear feet	<b>8 trees, 36 shrubs</b>	As proposed
<i>Foundation base along an exterior wall with a public entrance:</i> East elevation [Section 11-33-5(A)(1)]	15'	<b>8.33' – 26.67'</b>	As proposed
<i>Landscape islands</i>	Maximum of 8 contiguous parking stalls between landscape islands	<b>13 landscape islands 3 landscape diamonds</b>	As proposed
<i>On-Site Parking Spaces</i> Eating and Drinking Establishments (no drive through window) [Table 11-32-3(A) & Section 11-32-6(C)(1)(b)]	72 spaces	<b>52 spaces</b>	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:

- A 15-foot building setback and landscape area adjacent to Main Street in compliance Section 11-6-3 of the MZO.
- A 10-foot building setback and landscape area along the west property line.
- Installation of landscape areas adjacent to North Hunt Drive.
- New perimeter landscape material along the north property line.
- New retention area and landscaping adjacent to the west property line.
- New landscape islands and diamonds within the parking field.
- Installation of a foundation base adjacent to the north and west elevations.

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, including demolition of the building foundation, 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 proposed business to be replaced and discourage redevelopment on this site.**

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

3. The creation of new non-conforming conditions.

**The proposed 5,620 square foot restaurant building will utilize the previous building foundation and be constructed within the footprint of the previous 6,158 square foot restaurant. Therefore, no new non-conforming conditions will be created with the reconstruction of the restaurant building.**

***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 replace the operational characteristics of the previous 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 GC, and the restaurant use was established with its developed in the late 1960's to early 1970's.
- B. The previous restaurant building was destroyed by fire on February 7, 2020.
- C. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- D. Full compliance with current MZO would require significant alterations to the site including removal of parking spaces and alterations to the on-site circulation.
- E. Improvements to the existing site include landscape improvements around the perimeter of the site, within the parking field, and the foundation base areas adjacent to the building elevations.
- 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 not create any new non-conformities.
- H. 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, 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 – Justification Statement  
Exhibit 4 – Site Plan  
Exhibit 5 – Landscape Plan  
Exhibit 6 – Building Elevations