



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

August 4, 2021

CASE No.: **BOA21-00389**

CASE NAME: **Starbucks**

Owner's Name:	Jaswinder Singh – Surinder K Singh
Applicant's Name:	Tim Rasnake, Archion Architecture and Interiors, L.C.
Location of Request:	Within the 300 block of N. Stapley Drive (west side) and within the 1100 block of E. University Drive (south side). Located west of N. Stapley Drive on the south side of E. University Drive.
Parcel No(s):	138-20-024A and 138-20-024B
Nature of Request:	Requesting a Development Incentive Permit (DIP) to allow the development of a drive-thru coffee shop in the Limited Commercial (LC) District.
Zone District:	Limited Commercial (LC)
Council District:	4
Site size:	0.7± acres
Proposed use(s):	Eating and Drinking Establishment (with drive-thru facility)
Existing use(s):	Commercial
Hearing date(s):	August 4, 2021 / 5:30 p.m.
Staff Planner:	Sean Pesek
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **December 6, 1948**, the subject site was annexed into the City of Mesa as part of a 2,419± annexation (Ord #228).

On **August 7, 1982**, the City Council approved a rezoning from C-1 (equivalent to Neighborhood Commercial) to C-2 (equivalent to Limited Commercial) for Parcel No. 138-20-024B (Ord #1643) (Case file no. Z82-060).

On **February 2, 2004**, the City Council approved a rezoning from R-4 (equivalent to Multiple Residence-4) to C-2 (equivalent to Limited Commercial) for Parcel No. 138-20-024A (Ord #4568) (Case file no. Z06-037).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Development Incentive Permit (DIP) to allow for deviations from certain development standards to construct a 940 square-foot coffee shop with drive-thru in the Limited Commercial (LC) zoning district. The 0.7± acre site is situated on the southwest corner of E. University Drive and N. Stapley Drive. Proposed improvements include a 940 square-foot coffee shop with a drive-through, covered patio space, landscaping, and parking.

Per Section 11-72-1 in the Mesa Zoning Ordinance (MZO), the purpose of a DIP is to provide incentives for the development of smaller tracts of land that would have difficulty meeting current development standards. Per Section 11-72-2 of the MZO, incentives that may be granted by the DIP are limited to: modifications to building setbacks, landscaping design, on-site parking, building height, and other site development provisions contained in the MZO. Through the DIP, the applicant is requesting a reduction to the required side and rear landscape yard widths; requesting a reduction to the required front and street-side landscape yard width; requesting placement of a solid waste enclosure within the required landscape yard and; requesting a reduction to the required drive aisle setback from street intersections.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property is Neighborhood. Per Chapter 7 (pg. 7-8) of the General Plan, the goal of this character area designation is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods have associated nonresidential uses if the total area devoted to local-serving businesses (in one location) is less than 15 acres and the businesses serve people within a mile radius of the area. The proposed use, eating and drinking establishment with drive-through facility, conforms to the intent of the character area designation by providing a service for nearby residents.

Central Main Street Plan:

The subject property is within the Evolution Corridor as defined in the Central Main Street Area Plan. Per the plan, an adopted policy of the Evolution Corridor is to improve the balance between pedestrian and automobile needs (pg. 120). The subject request supports this policy by providing covered outdoor seating for customers, a walk-up window for ordering, and two pedestrian connections from existing sidewalks along E. University Drive and N. Stapley Drive to promote walkability.

Zoning:

The subject property is zoned LC. Per Table 11-6-2 in the MZO, eating and drinking establishments with drive-through facilities are permitted in the LC district. Additionally, the proposed use

conforms to the purpose and intent of the LC district by providing areas for locally oriented retail and service uses that serve the surrounding residential trade area within a 0.5 to 2.0 mile radius.

Site Characteristics:

The subject property is approximately 0.7± acres in size. Currently there is an existing commercial building, approximately 2,550 square feet in size, on Parcel No. 138-20-024B that will be demolished to accommodate the request. Parcel No. 138-20-024A is vacant.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across E. University Drive) LC Medical Plaza	North (Across E. University Drive) LC Medical Plaza	Northeast (Across E. University Drive) LC Gas Station
West LC Commercial Services	Subject Property LC Vacant and Retail	East (Across N. Stapley Drive) LC and NC Gas Station and General Office
Southwest OC Duplex	South OC Duplex	Southeast RM-4 Office

Mesa Zoning Ordinance Requirements and Regulations:

Development Incentive Permit (DIP) Section 11-72 of the MZO

The purpose of a DIP is to provide incentives for smaller tracts of land that would have difficulty meeting current development standards. To qualify for consideration, a parcel must meet the criteria set forth in Section 11-72-1. After review of the application, the subject property qualifies as a by-passed parcel as it is less than 2.5 acres and has been in its current configuration for more than 10 years. The lot has direct access to City utilities; is within an area where not more than 25% of developable land is vacant and more than 50% of the surrounding parcels have been developed for more than 15 years. The requested modifications will result in a development that is commensurate with existing development in the area.

Table 1 below compares Mesa Zoning Ordinance (MZO) requirements, the applicant's proposal, and staff's recommendation for the subject property. Items in bold face type indicate deviation from code requirements:

Table 1: Development Standards

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
Landscape yard – Section 11-33-3(B) Non-single residence use adjacent to	15 feet 15 feet 15 feet	5 feet 6 inches 10 feet	As proposed

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
non-single residence use (west property line) (south property line) (north and east property lines)		7 feet 5 inches	
Trash and refuse collection areas – Section 11-30-12(B)	Shall not be located within any required front yard, street side yard, or within any required landscape areas	Within required side and rear landscape yard	As Proposed
Setback at intersections – Section 11-30-10 Minimum drive aisle setback at intersection of arterial with arterial	50-foot radius	20-foot radius	As proposed

Pursuant to Section 11-72-1 of the MZO, a Development Incentive Permits (DIP) may be approved to allow incentives for the development of parcels that meet the following criteria:

A. AREA

1. Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years; or
2. Total area of the site does not exceed 5 net acres and was created by the assembly of 2 or more individual, contiguous parcels.

The subject property is 0.7± acres and has been in its current configuration for more than 10 years according to Maricopa County aerials.

The request complies with this criterion.

- B. UTILITIES. The parcel is served by, or has direct access to, existing utility distribution facilities.

The parcel has access to City of Mesa utilities within E. University Drive and N. Stapley Drive.

The request complies with this criterion.

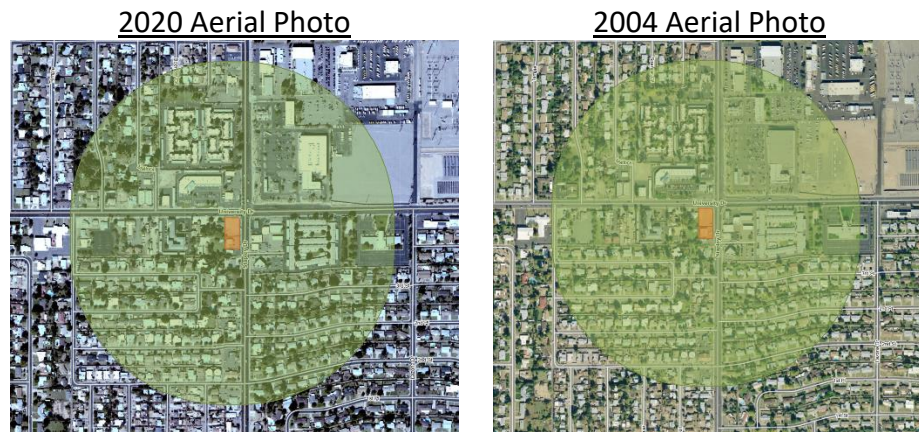
- C. SURROUNDING DEVELOPMENT. The parcel is surrounded by properties within a 1,200-foot radius in which:

1. The total developable land area is not more than 25 percent vacant; and
2. Greater than 50 percent of the total number of lots or parcels have been developed

15 or more years ago.

Based on current aerial photography, the total developable land area (within the 1,200-foot radius of the subject property) is less than 25% vacant. Additionally, after comparing the 2004 Maricopa County aerial photo with the current aerial photo, staff determined that more than half of the total number of lots (within the 1,200-foot radius of the subject property) were developed more than 15 years ago.

The request complies with this criterion.



Per Section 11-72-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on a DIP that:

1. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/policies, and the permitted uses as specified in this Ordinance;

The proposed development, coffee shop with drive-thru, conforms to the intent of the neighborhood character area designation by providing a service for nearby residents. Additionally, by incorporating two separate pedestrian connections, a walk-up order window for ordering, and covered outdoor seating for customers, the development supports an adopted policy of the Evolution Corridor of the Central Main Street Plan to improve the balance between pedestrian and automotive needs.

The request complies with this criterion.

2. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1,200-foot radius of the by-passed property; and

The incentives will allow for development that is commensurate with existing development within 1,200 feet radius of the property. An existing medical office plaza is directly north of the subject property with a gas station, convenience store, and dental office directly east (across N. Stapley Drive).

The request complies with this criterion.

3. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.

The Design Review Board discussed the project during the July 13, 2021 Work Session and recommended minor modifications to the plan. A Site Plan associated with the project was reviewed and approved by the Planning and Zoning Board on July 28, 2021. The proposed project meets the intent of the Design Standards of the Ordinance.

The request complies with this criterion.

Findings:

- A. The subject property is 0.7± acres and has been in its current configuration for more than 10 years.
- B. The subject property is served by, or has direct access to, existing utilities.
- C. The total developable land area within 1,200 feet of the subject property is not more than 25 percent vacant.
- D. Greater than 50 percent of lots within 1,200 feet of the subject property have been developed for more than 15 years.
- E. This requested deviations through the DIP will allow for the development of a bypassed parcel.
- F. The proposed development is consistent with the General Plan's Neighborhood character area designation.
- G. The requested modifications will result in a development that is commensurate with existing development in the vicinity.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 500 feet of the subject property. As of the writing 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 Development Incentive Permit meets the required findings in Section 11-72-1 and Section 11-72-3 of the MZO, and therefore recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site 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 ZON21-00388 for site plan approval.

4. Compliance with all requirements of Design Review case, DRB21-00119.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative/Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Landscape Plan

Exhibit 6 – Elevations