



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

August 4, 2021

CASE No.: **BOA21-00482**

CASE NAME: **Fruitlandia**

Owner's Name:	POKE BOWL LLC
Applicant's Name:	Daniel Cifuentes, Cifuentes Studio LLC
Location of Request:	1231 West Baseline Road
Parcel Nos:	305-07-952A
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for a limited service restaurant with drive-thru facility in the Limited Commercial District with a Planned Area Development Overlay (LC-PAD).
Zone District:	Limited Commercial Planned Area Development (LC-PAD)
Council District:	3
Site size:	.54 ± acres
Existing use:	Vacant
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **March 6, 1972**, City Council annexed approximately 1,768± acres, including the subject site, into the City of Mesa and subsequently zoned the property C-2 (Limited Commercial) as part of the Dobson Ranch Development Master Plan (Planned Area Development) (Ordinance No. 732).

On **December 7, 1981**, City Council approved a site plan for a five-lot commercial/office development which included the subject site (Case No. SPR81-003).

On **March 19, 1984**, City Council approved a site plan modification to allow the development of a restaurant with drive-thru and a multi-tenant retail building on the subject site (Case No. SPM84-003).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to establish a limited service restaurant with a drive-thru facility at the subject site within the Limited Commercial Planned Area Development (LC-PAD) District. The property was most recent occupied by a full service restaurant, however, the building has been vacant for more than 10 years. The applicant is proposing to operate a limited service restaurant in the existing building and construct a drive-thru lane that was originally approved through Case No. SPM81-003 but never constructed.

The site, which was developed in the mid-1980s, was approved under an older version of the Mesa Zoning Ordinance (MZO). As such the perimeter landscaping, parking lot landscaping, and foundation base landscaping does not conform to the current landscape and foundation base requirements of Chapter 33; therefore, the subject site is considered legal non-conforming. Achieving full conformance with the MZO would require significant alterations to the site, including the building, 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 Mixed Use Activity District. Per Chapter 7 of the General Plan, the goal of the Mixed Use Activity District character type is to create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. The proposed limited service restaurant with drive-thru facilities use is consistent with the intended uses within the Mixed Use Activity Character Area and meets the goals and objectives of the Mesa 2040 General Plan by contributing to the vitality neighborhood and local businesses.

Site Characteristics:

The subject site is located 200± feet west of Alma School Road on the south side of Baseline Road and is considered part of the Dobson Ranch Community. The site is .54± acres in size and zoned LC-PAD. Direct access is provided by a driveway entrance from Baseline Road, located on the east side of the site. An access agreement with the neighboring property to the west allows indirect access to the site through the use of an additional driveway entrance from Baseline Road. The existing building is centered on the site with parking spaces provided on the north, east, and south sides of the building. Entry to the drive-thru lane will be along the west side of the building. Drive-thru queuing is provided along the south and east sides of the building and is separate from the adjacent one-way drive by a striped median that transitions into a raised five-foot wide median at the drive-thru window.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Baseline Road) LC-PAD Existing Commercial	North (Across Baseline Road) LC-PAD Existing Commercial	Northeast (Across Baseline Road) LC-PAD Existing Commercial
West LC-PAD Existing Commercial	Subject Property LC-PAD Vacant Commercial	East LC-PAD Existing Commercial
Southwest LC-PAD Existing Office	South LC-PAD Existing Office	Southeast LC-PAD Existing Office

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 landscape setback standards per Sections 11-6-3 of the MZO, or landscape standards per 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
<i>Landscape Yard - Section 11-33-3(B)(2)(a):</i> Non-Single Residence Uses Adjacent to Other Non-Single Residence (North) (East) (South)	15 feet 15 feet 15 feet	2-3 feet 0 feet 1-foot	As proposed
<i>Perimeter Landscaping - Table 11-33-3(A)(4) and Section 11-33-3(B)(2)(c):</i> Adjacent to an arterial street (North) Non-Single Residence Uses Adjacent to Other Non-Single Residence (east)	4 trees and 24 shrubs per 100 linear feet 3 trees and 20 shrubs per 100 linear feet	1 tree, 5 shrubs 0 trees, 0 shrubs	As proposed

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
(South)	3 trees and 20 shrubs per 100 linear feet	0 trees, 21 shrubs	
<i>Foundation Base - Section 11-31-18 and 11-33-5:</i> Adjacent to a drive-thru (east)	2 feet	0 feet	As proposed
Along an exterior wall with a public entrance (north)	15 feet	5-foot 13-inches	
Along an exterior wall with no public entrance adjacent to a drive aisle (south) (west)	5 feet 5 feet	3.5 feet 4 feet	

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 five-foot wide landscape median to separate the east portion of the drive-thru lane from the adjacent drive-aisle.
- New landscape islands with plant material installed at each end of a row of stalls and in between for maximum eight contiguous parking spaces per the requirements of Section 11-33-4(B)(1) and Section 11-33-4(D)(1)(a).
- New plant material within the existing perimeter and foundation base landscape areas.

Per Section 11-73-3 of the MZO, to approve 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, 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 redevelopment of the site to accommodate a permitted use.

The request complies with this criterion.

3. The creation of new non-conforming conditions.

A site plan (SPM84-003) for a limited service restaurant with drive-thru facility was approved for the site and this request allows the building and site to be occupied for its originally intended use. Therefore, no new non-conforming conditions will be created with the redevelopment of the site.

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 brings the site into further compliance with MZO development standards and enhance the appearance of the site. 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 LC-PAD, and a site plan modification (SPM84-003) approved the development of a restaurant with drive-thru facilities use for the site.
- B. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- C. Full compliance with current MZO would require significant alterations to the site including removal of parking spaces and alterations to the building and on-site circulation.
- D. Improvements to the existing site include installing a median to separate a portion of the drive-thru lane from the adjacent drive aisle, landscape improvements within the parking field, and new plant material in the existing perimeter and 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 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 this 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 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