



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

August 4, 2021

CASE No.: **BOA20-00808**

CASE NAME: **Cazo de Oro**

Owner's Name:	Garcia Odriel
Applicant's Name:	Carlos Naranjo
Location of Request:	1002 E. Main Street
Parcel Nos:	138-19-029A, 138-19-028, and 138-19-027
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for a restaurant building in the LC District.
Zone District:	Limited Commercial (LC)
Council District:	4
Site size:	0.6 ± acres
Proposed use:	Restaurant
Existing use:	Restaurant
Hearing date(s):	August 4, 2021 / 5:30 p.m.
Staff Planner:	Kellie Rorex
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **January 5, 1949**, the City Council annexed approximately 2,420± acres, including the subject site, into the City of Mesa and subsequently zoned the two (2) northern parcels Restricted Multiple Residence (R-2) and the southern parcel Limited Commercial (C-2) (Ordinance No. 228). Maricopa County's historical aerial photos show that between 1953 and 1959 the southern parcel was developed as a restaurant.

On **September 20, 1976**, the City Council approved a request to rezone the two northern parcels from R-2 to C-2 (equivalent to LC) to facilitate the development of a parking area for an existing restaurant (Ordinance No. 1021, Case No. Z76-044).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to build a permanent outdoor seating area for an existing restaurant in the Limited Commercial (LC) zoning district. The existing building was constructed in the 1950s. In the 1980s the site expanded north to add additional parking and building area for the existing restaurant. The approved site plan allowed for a ten (10) foot setback along Miller Street, a 25-foot setback from Main Street, a five (5) foot setback along the north property line, and a ten (10) interior setback along the west property line.

Currently, the site does not meet the landscape setback requirements per Mesa Zoning Ordinance (MZO) Section 11-6-3; perimeter landscaping, interior parking lot landscaping, or foundation base area requirements per Chapter 11-33; cross drive aisle setbacks per MZO Section 11-32-4(A); nor screening requirements per MZO Section 11-30-9(H). Therefore, the existing site is considered legal non-conforming. Achieving full conformance with the MZO would require significant alterations to the site including demolition of portions of the building, parking spaces, and on-site circulation areas. Section 11-73 of the MZO establishes the SCIP process and review criteria which allows a site to be brought into substantial conformance with certain requirements of the MZO without having to bring the entire site into full conformance. To bring the site into substantial conformance with the MZO, the applicant proposes to install additional landscape material around the perimeter of the site, additional foundation base area north the building, provide parking islands and landscaping in the parking areas, and perform several façade repairs to the existing building.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation for the site is Neighborhood. The primary focus of the Neighborhood Character Area designation is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods can also contain nonresidential uses such as schools, places of worship and local serving businesses. Chapter four (4) of the General Plan, Creating and Maintaining a Variety of Great Neighborhoods, focuses on ensuring clean, safe, and healthy areas where people want to live and maintain their investments. The façade repairs and landscaping will help revitalize the corner of Main Street and Miller and will create a streetscape that will help further the goals of the Neighborhood Character Area and contribute to creating a clean, safe, and attractive development within the neighborhood.

The subject site also lies within the Transit Corridor and Station Character Area designation of the General Plan. The Transit district 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 addition of an outdoor patio will help create a more pedestrian-oriented streetscape on Main Street and will further the goals of the Transit Corridor and Station Area.

Lastly, the project is within the Central Main Street Area Plan. The Central Main Street Area Plan was created to manage change that will and has taken place since the light rail was established in Mesa. The Plan lists several goals for properties within the subarea, including, creating a prosperous community, a people-friendly community, and a distinctive community. The proposed façade repairs and outdoor eating area will help meet the goals of the Central Main Street Area Plan.

Site Characteristics:

The subject site is located at the northwest corner of Main Street and Miller Street. The site consists of three parcels zoned Limited Commercial (LC), together totaling just over half an acre in size. The existing building is 3,756 square feet and the applicant is proposing a new outdoor dining area totaling 1,029 square feet. The outdoor area will be located south of the existing building along Main Street. Parking will be located north of the existing restaurant with some parking along the west property line. Access to the site will be from one existing driveway on Main Street and one existing driveway on Miller Street.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RM-2 Multiple Residences	North RS-6 Single Residences	Northeast RS-6 Single Residences
West LC Commercial	Subject Property LC Commercial	East LC Commercial
Southwest (Across Main Street) LC Commercial	South (Across Main Street) LC Commercial	Southeast (Across Main Street) LC 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 landscape setback standards per Table 11-6-3 of the MZO, landscape standards per Chapter 11-33 of the MZO, cross drive aisle setbacks per MZO Section 11-32-4(A), or parking lot screening requirements per MZO Section 11-30-9(H). 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)</i>			

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
Non-single residence uses adjacent to single residence (north)	20 feet	5 feet (existing)	As proposed
Non-Single Residence Uses Adjacent to Other Non-Single Residence (west)	15 feet	0 feet – 19 feet (existing)	
<i>Building Setback - Table 11-6-3(A)</i> Local street (Miller Street)	20 feet	0 feet (Existing)	As proposed
<i>Perimeter Landscaping - Section 11-33-3(B)(2)(c)</i> West (GC District)	3 trees and 20 shrubs per 100 linear feet	5 trees/palms, 26 shrubs	As proposed
<i>Foundation Base - Section 11-33-5(A)(2)(b)</i> Width along an exterior wall adjacent to a drive aisle (west elevation)	5 feet	0 feet – 4 feet 1 ¾ inches	As proposed
<i>Landscape Islands - Section 11-33-4(B)(1)</i> Maximum contiguous parking stalls between landscape islands	8	9	As proposed
<i>Parking area screening - Section 11-30-9(H)</i>	Screen parking areas and drive aisles from the street with a masonry wall or berm	No screen wall	As proposed
<i>Setback of cross drive aisles - Section 11-32-4(A)</i> Minimum distance to parking spaces and cross access aisles from the street (Main Street) (Miller Street)	50 feet 50 feet	15 feet 13 feet 6 inches	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, elevations, and landscape plan:

- Façade repairs including new awnings and paint.
- A 6-foot foundation base area north of the building, adjacent to the drive aisle.
- New striped pedestrian walkway along west side of building.
- Bring perimeter landscaping along the south, east, and north property lines into compliance with landscaping requirements of MZO Section 11-33-3(B)(2)(c).
- Installation of landscape islands in the center of the parking area, north of the building.
- New interior parking lot landscaping within all parking lot islands.
- Parking lot restriping.
- New perimeter landscape material around the entire site.
- New foundation base landscaping around the building.

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 impact current operating businesses and discourage much needed redevelopment on this site.

The request complies with this criterion.

3. The creation of new non-conforming conditions.

The addition of the outdoor seating area will not create any new nonconformities on the site. The patio will be within the buildable area of the lot.

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 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 consists of three parcels zoned LC.
- B. The restaurant is existing and was developed within the mid to late 1950s.
- C. The applicants are proposing to build an outdoor seating area south of the existing building.
- D. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- E. Full compliance with current MZO would require significant alterations to the site including removal of parking spaces and alterations to the on-site circulation.
- F. 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, as well as façade improvements and additional parking spaces.
- G. 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.
- H. The proposed improvements will not create any new non-conformities.
- I. 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, elevations, 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.*

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Landscape Plan

Exhibit 6 – Elevations