

Board of Adjustment

Staff Report

CASE NUMBER: BA14-044 (PLN2014-00345)
STAFF PLANNER: Angelica Guevara
LOCATION/ADDRESS: 5252 East Main Street
COUNCIL DISTRICT: Council District 2
OWNER: DH 5252 Main LLC
APPLICANTS: Jerry Torr, Architect and Joe Dotty, Owner

REQUEST: *Requesting a Substantial Conformance Improvement permit to allow the expansion of an existing medical office in the LC zoning district.*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing medical office. The site is approximately 1.4± acres and is located east of Higley Road on the north side of Main Street and was developed some time prior to the 1970's for use as an office and was remodeled in 2012 for use as a medical office building and had been empty for several years.

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to facilitate the addition of 2,616 s.f. The existing building is 7,496 s.f. The addition invokes compliance with current code and the applicant is asking to be allowed to maintain the existing setbacks adjacent to the perimeter property lines, to reduced foundation base widths around the building, and reduced landscape within parking areas. The SCIP would allow the expansion of the site without bringing the entire site into conformance with current standards.

STAFF RECOMMENDATION

Staff recommends approval of case BA14-044, *conditioned upon the following:*

- 1. Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions.*
- 2. Remove wood boards added to the top of the existing wall on the west property line.*
- 3. Remove wood fence on the east and north property lines.*
- 4. Remove the unauthorized wood fence located just north of the existing parking area.*
- 5. Remove all unauthorized outdoor storage of vehicles, portable storage container(s), shade structure(s), boat(s), screen fabric, and motorhome/RV from the site.*
- 6. A construction permit shall not be issued for the proposed addition or site improvements until all unauthorized storage items/structures are removed from the site.*
- 7. Provide a 3.5 foot tall screen wall between the parking spaces and the Main Street frontage to screen the parking areas from the street to comply with Sec. 11-30-9-H.*
- 8. Maximum height of screen wall adjacent to the west and north property lines is 6' in height.*
- 9. Screen walls shall be constructed of concrete masonry units (CMU).*
- 10. Provide covered parking to comply with Sec. 11-32-3-D.*
- 11. Provide a pedestrian connection from the building to Main Street.*
- 12. Provide a 6" vertical concrete curb between all landscape areas and paved areas.*
- 13. Provide parking lot landscape islands each 8 spaces within the parking field and at the end of each row of parking to comply with Figure 11-33-4 of the Zoning Ordinance.*
- 14. Each parking lot landscape island shall include one tree and three shrubs as per Sec. 11-33-4.*
- 15. Provide 1 tree and 6 shrubs per 25 linear feet along the north, east, west, and south property lines.*
- 16. Provide landscape material within the right-of-way that consists of low-water using trees, shrubs, and groundcovers to comply with the City of Mesa's Engineering and Design Standards.*

17. *Provide an employee break area.*
18. *The existing pole sign shall be removed if it cannot be modified to comply with current sign design requirements.*
19. *Separate sign permit required from the Development Services Office to modify the existing sign or to install new signage.*
20. *If parking lot light poles are proposed they shall not be located within landscape islands.*
21. *Provide a 5' wide foundation base along the north elevation of the building to comply with Sec. 11-33-5.*
22. *A maximum of 64 parking spaces shall be provided on the site.*
23. *Parking areas shall not be screened or gated from the interior of the site.*
24. *Exterior building elevations of the proposed addition, parking canopies, screen walls, light poles/fixtures, signage and landscape plan and palette require Administrative Design Review approval prior to filing an application for plan review for a construction permit.*
25. *Compliance with all requirements of Development Services in the issuance of building permits.*

SITE CONTEXT

CASE SITE:	Existing medical office building – zoned LC
NORTH and WEST:	Existing manufactured home park – zoned RM-4
EAST:	Existing undeveloped lot – zoned LC
SOUTH:	(across Main Street) Existing storage facility – zoned GC

STAFF ANALYSIS

The applicant is requesting a SCIP to facilitate the 2,616 s.f. addition to an existing medical office building that had previously remained vacant for approximately 10 years until the applicant purchased the site about 2 years ago and remodeled it for medical office use. The medical practice has now grown and requires the addition to accommodate additional patients and a doctor.

The applicant is proposing an expansion of the parking lot to the north end of the site. The north end of the site has been the subject of unlawful activity by the property owner. The Code Compliance Office has been working with the owner to remove the unlawful storage yard and enclosure of the undeveloped northern portion of the site. The outdoor storage and commercial parking are not allowed uses within the Limited Commercial (LC) Zoning District. The applicant has begun to remove some of the unauthorized structures from the site. Staff has added conditions of approval to ensure the removal of the remaining items and the unauthorized fence.

Staff has met with the owner and has explained the activities that are allowed on the site. Staff has also provided the owner with information pertaining to the needed approvals and the processes for obtaining approval for use of the rear portion of the site. The site plan provided continues to call out a proposed gated and fenced parking area. Staff is not supportive of a screened and enclosed parking area as commercial parking is not an allowed on the site even if it is for the storage of the owner's person items. Staff has added a condition of approval requiring the removal of the existing fence and the approval of the SCIP would not authorize the construction of a new screen wall or gates within the parking area.

Table 1 on the next page provides a summary of the code requirements, the requested deviations, and the staff recommendation.

Table 1	Code Requirement	Applicant Proposed	Complies?	Staff Recommended
Setback (parking and/or building)				
Main Street (6-lane arterial street)	15 feet from future Right of Way	10 to 15 feet	No	As proposed
East Property Line	15 feet	3'-6"	No	7'-6"
North property line	20 feet	3'-6"	No	15 feet
West property line	20 feet	4 feet	No	To comply with code
Foundation Base				
West elevation (w/public entrance)	15 feet	12 feet	No	As proposed
North elevation (no public entrance)	5 feet	5 feet	Yes	
East Elevation (w/public entrance)	15 feet	7 to 12 feet	No	
Medical Building Drop-Off Area	13 feet wide patient drop-off area	None	No	To comply with code
Landscape Islands in the parking field	Max. 8 spaces between islands and at each end of rows of parking	At each end of rows	No	To comply with Code
Landscape island width	Minimum 8' wide	Varies	No	To comply with Code
Screening wall in front of parking areas	Required along street frontages	None	No	To comply with Code
Parking: 1/200 s.f. for medical use Existing medical office: 7,496 s.f. <u>Proposed addition: 2,616 s.f.</u> Total s.f. 10,112 s.f.	51 spaces required (minimum) Maximum of 64 spaces allowed (125% of required spaces)	78 spaces proposed	No	Maximum of 64 spaces shall be provided

The applicant has provided preliminary elevations of the proposed addition. Staff has concerns related to the limited and plain design proposed that includes blank walls. Staff recognizes that the existing building is very bland and lacks a design theme that could be extended to the proposed addition. But this does not preclude the applicant from designing the addition to be an aesthetic improvement to the existing building. The proposed addition could also include a covered porch to clearly identifies the main entrance to the medical office and provides relief from the weather. In addition, the applicant could also vary the proposed roof of the addition to provide additional design and relief to the roofline of the building. Staff has added a condition of approval requiring the proposed addition, parking canopies, landscape plan and palette to be administratively reviewed and approved to allow staff and the applicant additional time to ensure an attractive design is approved.

Staff has expressed concerns to the applicant regarding the proposed limited improvements on the site. The table above identifies in red the areas that staff has requested changes through recommended conditions of approval to comply with Code. Those items include the provision of additional landscape setback along the perimeter property lines as the removal or relocation of the parking along the east and west property lines can be accommodated on the northern end of the site. A maximum of 64 parking spaces are allowed on the site and the applicant proposed 14 additional spaces that are not allowed and staff suggests those spaces be eliminated to allow additional landscape on the site. In addition, staff is recommending conditions of approval to allow additional landscape be provided between parking spaces. The existing site and layout of existing and proposed parking areas allows the recommended modifications to be made.

Staff has also added a condition of approval requiring an enhanced pedestrian connection from the building to the street to allow patients to access the front of the building without having to walk on the drive aisles. In addition, a patient drop-off area is also recommended to comply with code.

FINDINGS

- 1.1 The proposed addition of 2,616 s.f. invokes conformance with current development standards on the entire site.
- 1.2 At the time of initial development the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
- 1.3 The site was developed with some street frontage landscape that has died and has not been replaced within the existing landscape yards and will need to be replaced as a condition of approval of the SCIP.
- 1.4 Requiring additional landscape around the perimeter of the site will help bring the site closer to compliance with current code while still allowing the needed parking spaces to be provided.
- 1.5 Requiring compliance with some of the current code would encourage the property owner to use the site for the allowed uses.
- 1.6 The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
- 1.7 The proposed use will not be detrimental to surrounding properties.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec. 11-73-3 – Substantial Conformance Improvement Permits – Required Findings:

A SCIP shall not be granted unless the Zoning Administrator, acting as a Hearing Officer, or 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
 2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
 3. The creation of new non-conforming conditions.
- B. The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Justification and Compatibility Statement
For: 5252 e. Main St, Mesa, AZ

X Substantial Conformance Improvement Permit (SCIP)

- (A) Answer: None
- (B) Answer: None
- (C) Answer: None

List the specific areas where your project does not comply with current development provisions: Does not comply with building setbacks.

Development Incentive Permit (DIP)

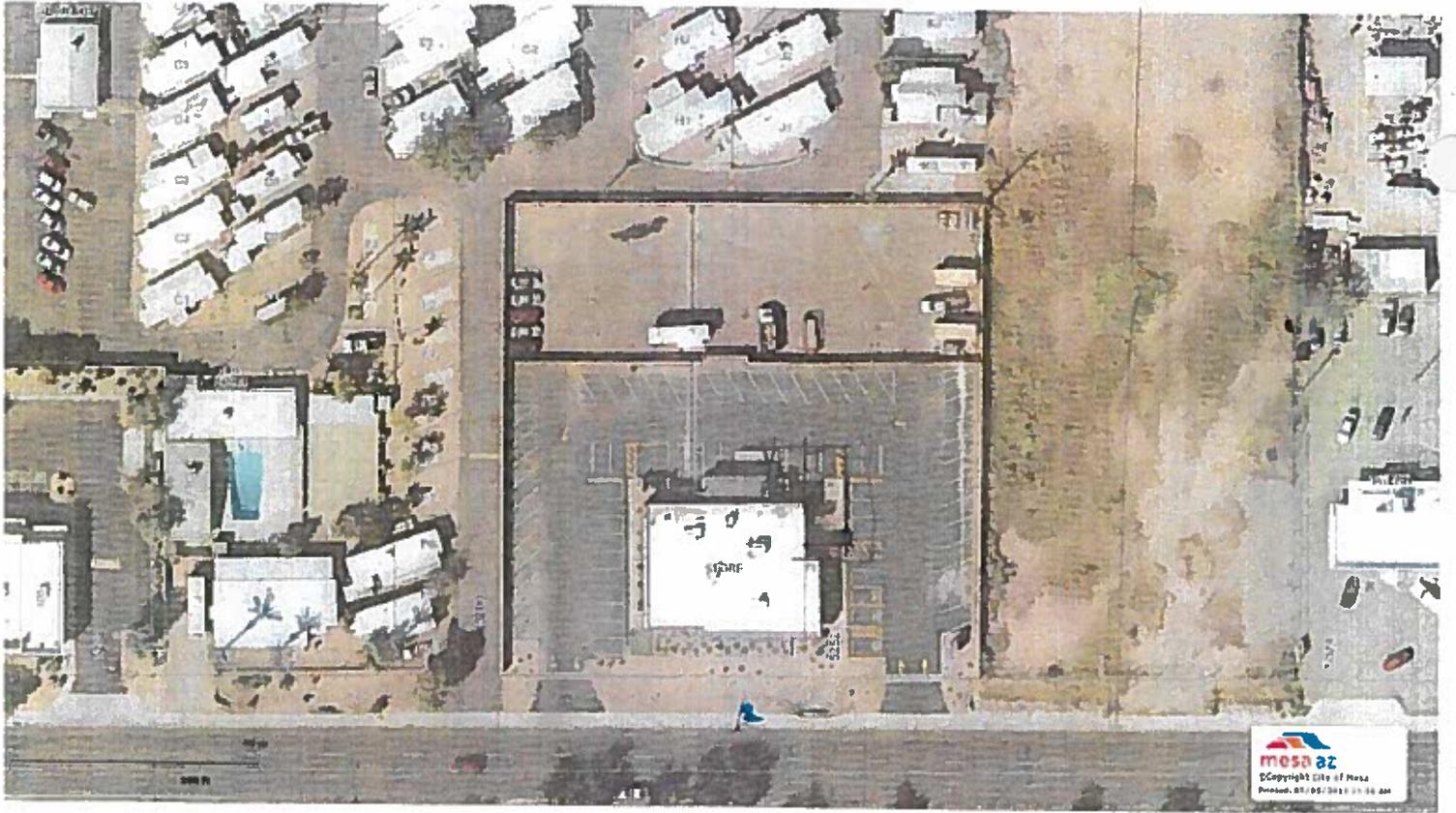
- (A) Site has been existing for many years with its 7,496 sqft Original building.
- (B) Yes
- (C) Yes
- (D) Yes
- (E) Yes

List the specific areas where your project does not comply with current development provisions:

~~None~~

The existing building has been empty for about 10 years. The interior was destroyed.

The new owner with building permits, restored the building for a group of doctors about two years ago. Today they need to expand due to an additional doctor.



Justification and Compatibility Statement for 5252 E. Main St, Mesa, AZ

* Substantial Conformance Improvement Permit

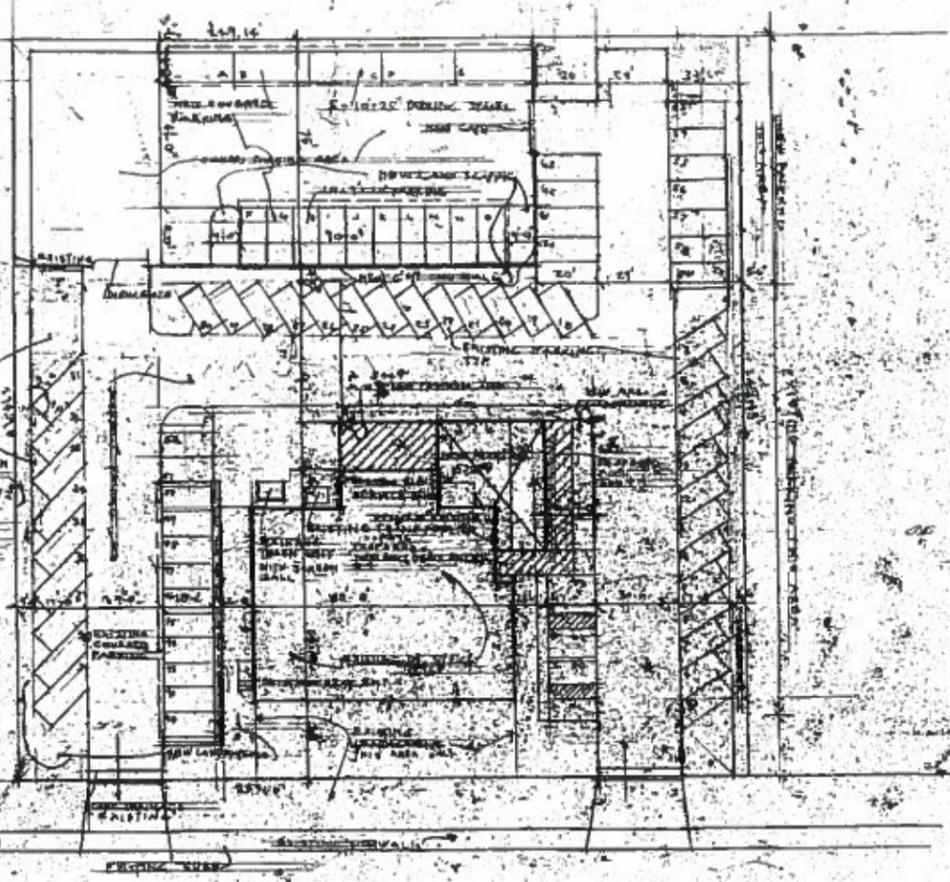
- (A) Remove all existing wood fencing.
Remove existing asphalt, where new landscaping is to be installed.
Remove 2 existing structures in the rear area.

List the Specific areas, where your project does not comply with current development provisions: Does not comply with building side yard setbacks, and the exact landscaping parking requirements.

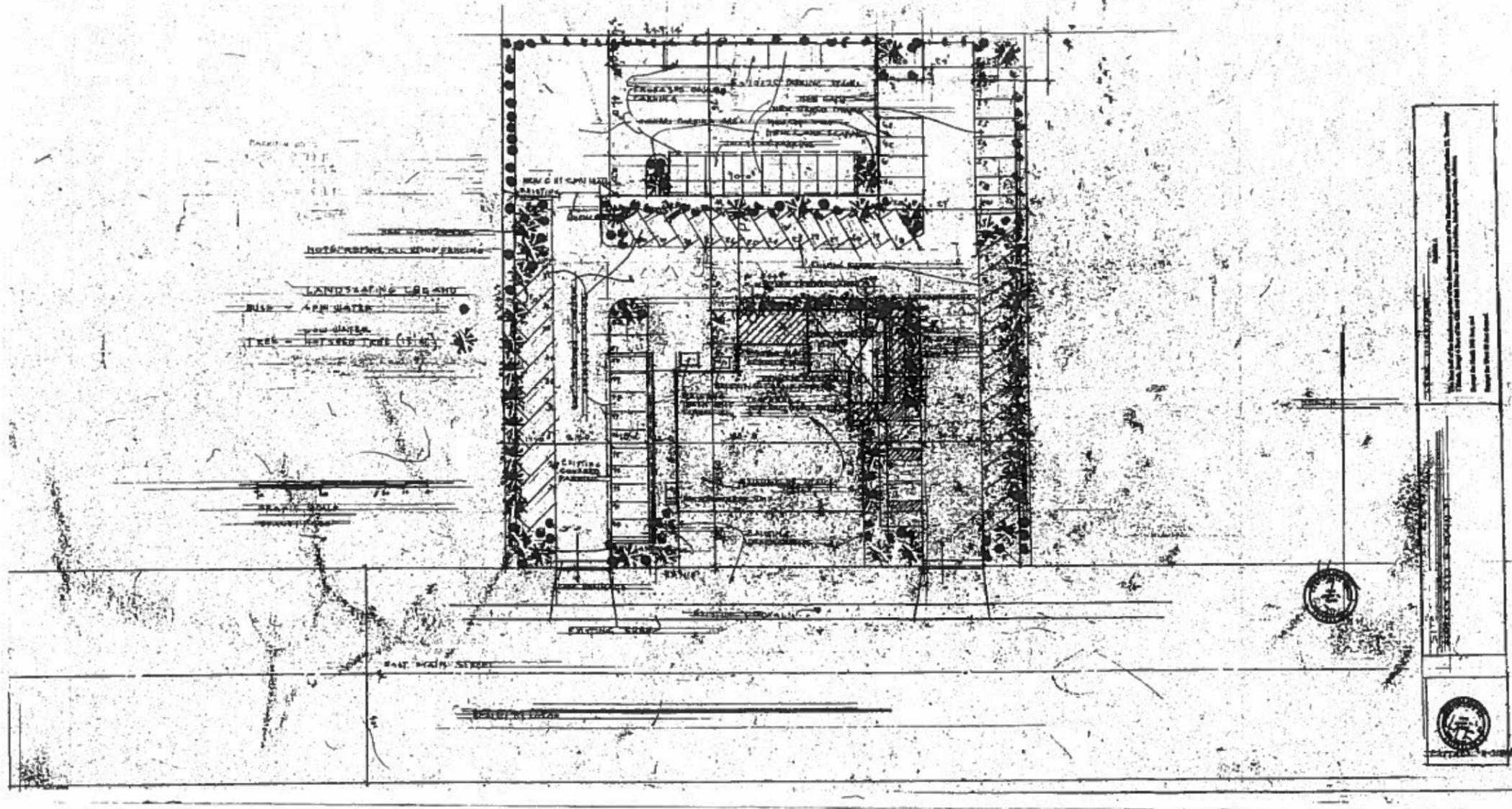
The existing building has been empty for about 10 years. The interior was destroyed.

The new owner with building permits, restored the building for a group of doctors about two years ago. Today they need to expand ~~to~~^{with} to an additional doctor.
BECAUSE THEIR PRACTICE IS GROWING VERY FAST

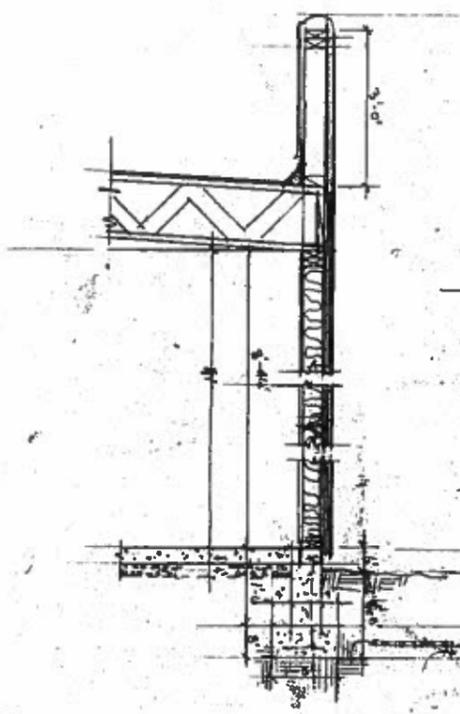
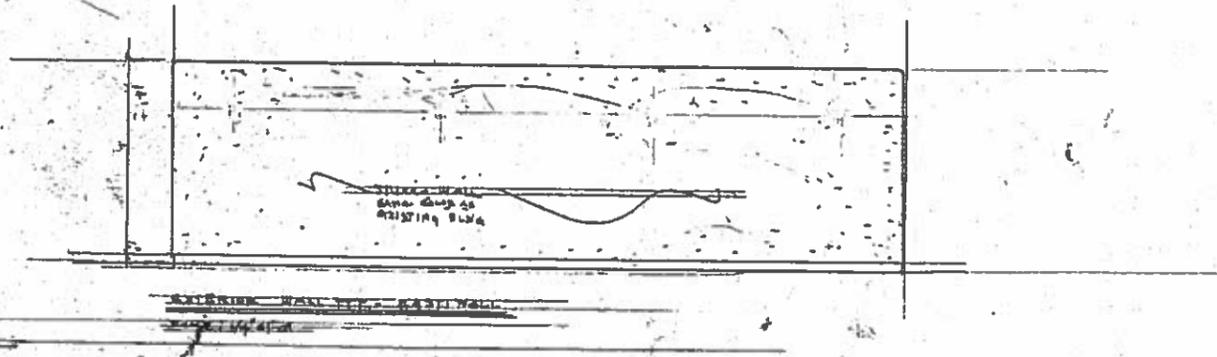
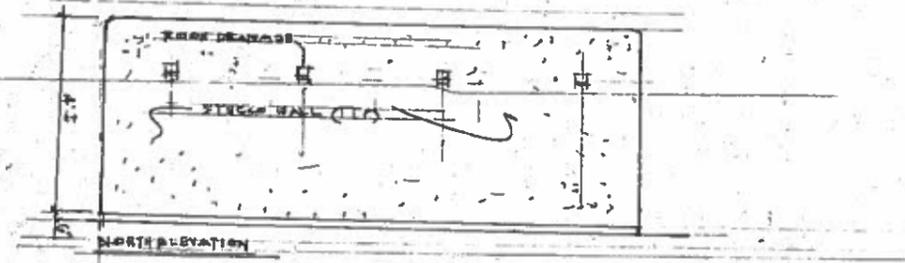
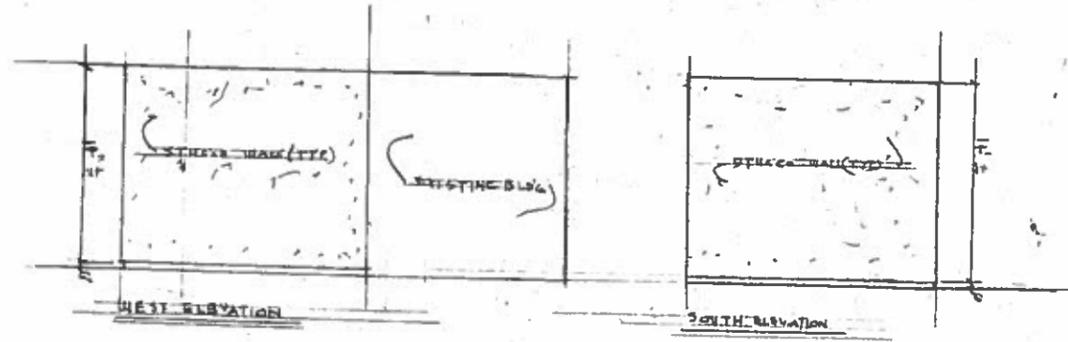
- NOTE
1. REMOVE ASPHALT AREA FROM EXISTING DRIVE
 2. ALL IMPROVEMENTS TO HAVE ONE INCH WITH
 3. ALL EXISTING DRIVE AREAS TO BE
 4. REMOVE AND RECONSTRUCT DRIVE
 5. NEW DRIVEWAY SHALL BE 12' WIDE
 6. FUTURE CONSTRUCTION



TITLE PLAN
 PROJECT NO. 12345678
 DATE 12/15/2023
 DRAWN BY J. SMITH
 CHECKED BY A. JONES
 APPROVED BY M. DOE
 PROJECT LOCATION: 123 MAIN STREET, ANYTOWN, CA 90123
 CLIENT: ABC COMPANY
 SCALE: AS SHOWN
 SHEET NO. 1 OF 1



PROJECT: [Illegible]
 DATE: [Illegible]
 DRAWN BY: [Illegible]
 CHECKED BY: [Illegible]
 SCALE: [Illegible]
 SHEET NO. [Illegible] OF [Illegible]

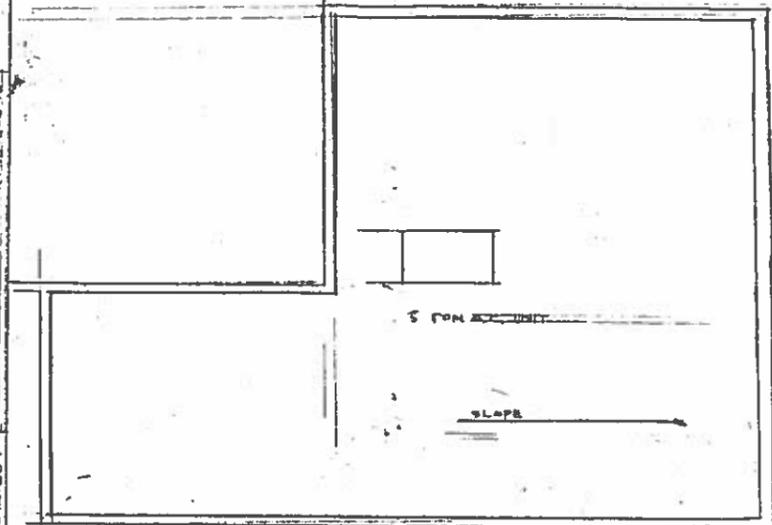


TYPICAL WALL SECTION
SCALE: 3/4" = 1'-0"

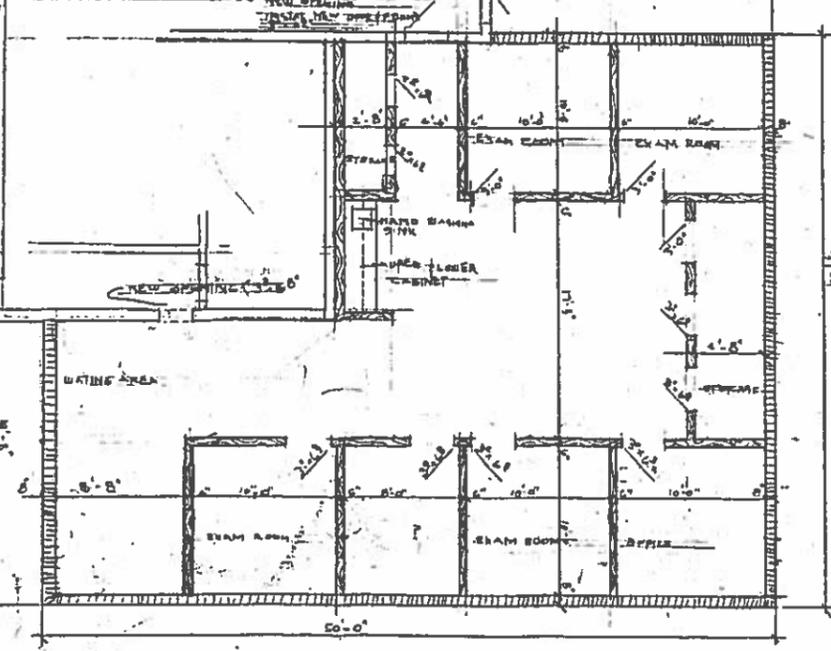
DETAIL ELEVATION

02/19/00 10174 CA

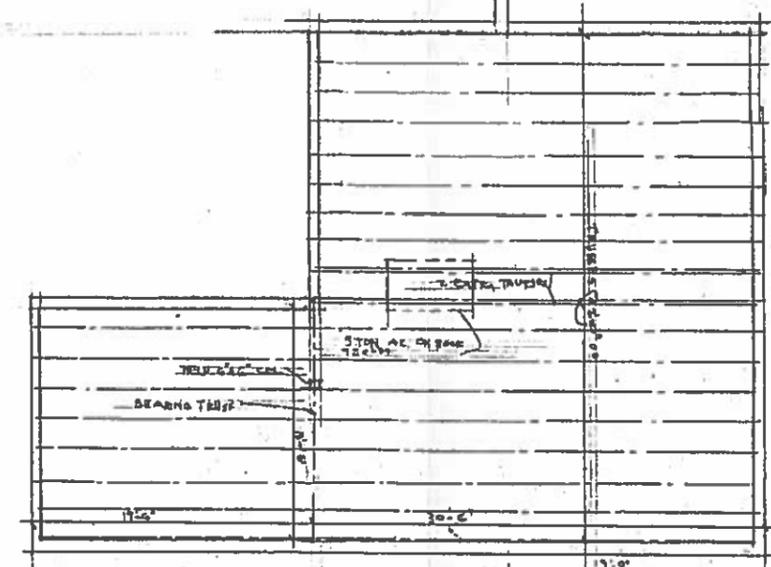

 LICENSE NO. 21114
 FLOOR PLAN
 FOUNDATION PLAN
 ROOF FRAMING PLAN
 ROOF PLAN



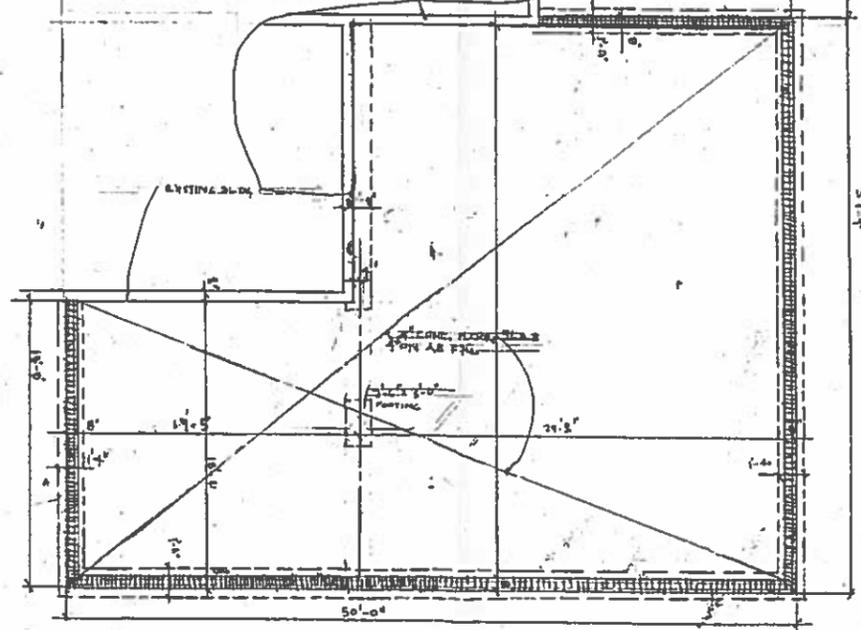
ROOF PLAN
SCALE 1/4" = 1'-0"



FLOOR PLAN
SCALE 1/4" = 1'-0"

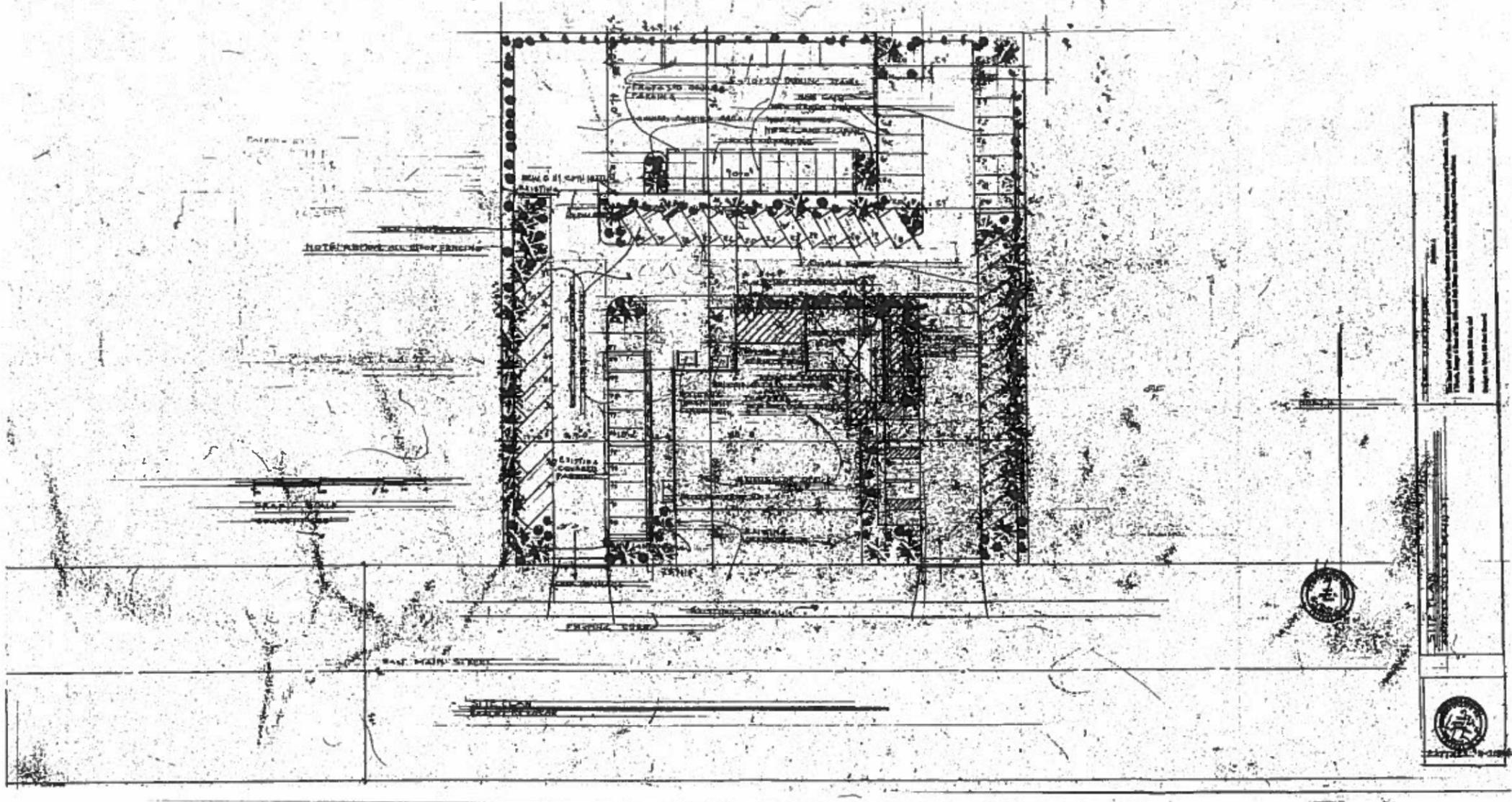


ROOF FRAMING PLAN
SCALE 1/4" = 1'-0"



FOUNDATION PLAN
SCALE 1/4" = 1'-0"

NOTE: VERIFY ALL DIMENSIONS



Architectural title block containing project information and professional seals.

Project Name: [Illegible]
Client: [Illegible]
Date: [Illegible]
Scale: [Illegible]

Professional Seal 1: [Illegible]
Professional Seal 2: [Illegible]