

68-DR-2003  
9-16-2003

005181

hearing date

5-19-82

action

APPROVED

stipulations:

Case 33-BA-82 - Parking 4228 N. Scottsdale Road (San & Rava  
DCCOV/Henry Fireman)

The applicant is requesting a variance of 5 parking spaces. Scottsdale zoning ordinance requires 1 parking space for each 50 sq. ft. of indoor public floor area and 1 parking space for each 200 sq. ft. of floor area in a commercial building. Amount of variance: 5 parking spaces at 4228 N. Scottsdale Road, City of Scottsdale. The staff recommended denial of this variance because a parking study conducted by the Chamber of Commerce indicated a serious parking deficiency already existing in this area.

Mr. Aris Mitchell appeared before the Board to represent the applicant. Mr. Sumner requested that the applicant submit a letter authorizing Mr. Mitchell to act on his behalf. Mr. Mitchell agreed that the letter would be delivered on May 20, 1982 so authorizing him.

Mr. Mitchell amended the variance request to 3 parking spaces because additional food preparation area was required for this restaurant therefore increasing the public floor area.

Mr. Mitchell also pointed out that part of the business would be take out and that would reduce the number of spaces needed for parking. He used a clear picture to orient the Board with the layout of the property inside and out, pointed out the nonpublic use areas as office space, bathrooms, serving and preparation areas. After remodeling they found there is only 794 sq. ft. of public use area. The building would need 23 parking spaces to accommodate the restaurant and the other tenant, Alpha Graphics. They have 15 spaces for Alpha Graphics, three spaces for the restaurant in front of the building, 2 in the rear, and the Scottsdale parking improvement district immediately west has 196 parking spaces, 9 of which are allotted for their use. This leaves the building short 3 parking spaces.

Mr. Mitchell stated that the deli he represents in Tempe made a study which indicated that 33 to 40 percent of their business was carry out. He estimated that if 25 percent of the business in Scottsdale was take out then parking would be sufficient. He also added that this deli had had its liquor license approved to be sent to the liquor control board. Mr. Mitchell had made an informal study of the public parking area and found that even at its busiest times there was ample parking available. He found the parking lot to be 70 percent occupied in winter and 52 percent occupancy from April to October.

Mrs. Savvold inquired as to the turnover rate of the occupants of the building and if the turnover had anything to do with the parking problem. Mr. Mitchell disagreed that the turnover was frequent and then pointed out that the deli owners had bought the entire building.

Mr. Sumner stated his concern that in the past variances had been granted to restaurants and the establishments have not come to pass. He wanted a stipulation to the effect that the variance would exist on the restaurant as long as the deli was in operation in functionally the same conditions as that being discussed rather than on the building. Mr. Mitchell couldn't see any problem with that stipulation.

Mr. Brand wanted to know if the staff agreed with the amended variance of from 5 spaces to 3 spaces and Mr. O'Connell answered affirmatively.

Mr. Palmer inquired as to the expected percentage of the business being take out and Mr. Mitchell explained that he estimated a low figure of at least 25 percent.

Mr. Sumner asked about the possibility of reducing the number of booths for seating in the establishment to encourage take out and Mr. Mitchell pointed out that his client felt there should be adequate seating for 40 people inside as well as the take out business.

Mr. Brand clarified the statement as to 63 percent of the business being sit down the other 40 percent being take out and that the 60 percent would have more than enough parking available.

Mrs. Savvold moved that the variance be granted as requested for the 3 spaces with the stipulation that the variance carries only as long as the business operates. Mrs. Hall seconded the motion which carried 6-0.

33-BA-82

case number



CITY OF SCOTTSDALE BOARD OF ADJUSTMENT

REPORT OF THE BUILDING DIRECTOR TO THE BOARD OF ADJUSTMENT

VARIANCE	<u>Parking Spaces</u>	CASE NO.	<u>33-BA 22</u>
LOCATION	<u>4228 N Scottsdale Road</u>	DATE	<u>5-19-82</u> (of meeting)
NAME	<u>San &amp; Reva Ostrov/Henry Fireman</u>	DATE	<u>5-10-82</u> (of report)
ADDRESS	<u>8649 E Royal Palm Rd #A-207</u>		

The following report on the variance noted above is submitted by the Director of Building Inspection and shall not be considered as an approved variance until final action of the Board of Adjustment.

- I. REQUEST To allow a variance of 5 parking spaces.
- II EVIDENCE SUBMITTED Site Plan
- III. DISCUSSION A portion of the applicant's building is being converted from retail use to a restaurant use. Commercial use requires one parking space for each 200 square feet of floor area whereas the restaurant use requires one parking space for each 50 square feet of public floor area.  
  
A variance of 5 parking spaces is being requested.  
  
Prior to the proposed conversion, 20 parking spaces were required. 11 are provided on site and 9 spaces are provided in the public parking lot located at the rear of the property.
- IV RECOMMENDATION. The staff recommends denial since a serious parking deficiency already exists in this area as shown by the Chamber of Commerce parking study.

MEMORANDUM

*Rene Mitchell*  
*Attorney*  
*May 16, 1982*

LEGAL DESCRIPTION:

The North 85 feet of the South 150 feet of the North 414 feet of the East one-half of the East one-half of the Southeast quarter of the Southeast quarter of Section 22, Township 2 North Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; EXCEPT that part lying West of the Easterly 183.00 feet thereof.

APPLICANT'S REQUEST AND JUSTIFICATION:

The real property is located at 4228 N. Scottsdale Road and is zoned C-2.

The building at this address contains 4000 square feet. The Northern portion, consisting of 1500 square feet, is occupied by Alpha-Graphics and the remaining portion, consisting of 2500 square feet, is being remodeled to accomodate a delicatessen restaurant.

The subject property was included in the Scottsdale Public Parking Improvement District which is located immediately to the West. At the time of the creation of the Scottsdale Public Parking District, the zoning ordinance required one parking space for each 200 square feet of commercial use or, in this case, twenty parking spaces. At that time and at the present time there are eleven on-site parking spaces or a deficiency of nine parking spaces. Since the premises were part of the Scottsdale Public Parking District, it was brought up to the parking requirements of the zoning ordinance or twenty parking spaces.

The 2500 square foot area which is being remodeled into a delicatessen contains 794 square feet of "public use area" and the parking requirements of the ordinance for such use require one parking space for each fifty square feet. Therefore, the total parking for the entire building would consist of sixteen for the delicatessen and seven for Alpha-Graphics, or a total of twenty-three parking spaces. Since the on-site and parking spaces in



the district total twenty, there is a deficiency of three parking spaces and a request is being made to vary the provisions of the zoning ordinance to allow a variance therefrom for three parking spaces.

The Scottsdale Public Parking Improvement District can accomodate one hundred seventy-six vehicles. Our studies show that during April, except during the period of the "Thiefs' Market" the parking lot was less than 50% full during the busiest part of the business day.

Additionally, it is anticipated that 35%-40% of the customers will order food "to go". Management will emphasize a "take out" type of business, even though seating will be available for those who desire to order and eat their food on the premises. If this were a business for "take out" food, the parking requirement would be one for each 200 square feet of building. Therefore, the parking deficiency is not as great as above indicated.

The above points will be further demonstrated at the Board of Adjustment hearing in this matter.

The granting of this variance will in no way be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.