

# Board of Adjustment



## *Staff Report*

**CASE NUMBER:** BA16-002  
**STAFF PLANNER:** Mike Gildenstern  
**LOCATION/ADDRESS:** 450 W. 4<sup>th</sup> Place  
**COUNCIL DISTRICT:** Council District 1  
**OWNER:** Save the Family Foundation of Arizona  
**APPLICANT:** Ismael Ernesto Nunez

**REQUEST:** *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow: 1) a reduction in required landscaping; and 2) a reduction of required landscape buffer; and 3) a reduction of required parking spaces, all in the RM-4 and LC zoning districts. (PLN2015-00571)*

### **SUMMARY OF APPLICANT'S REQUEST**

This request is for a Substantial Conformance Improvement Permit (SCIP) to allow reuse of an existing building by a church/place of worship. This building formerly served as an administrative building for a non-profit organization. Places of worship are allowed in RM (Multi-Residence) zoning districts provided that they meet LC development standards, as well as the building setback standards for the particular zoning district (RM-4). For this proposal, the building does not comply with LC landscaping setback requirements, and the proposed occupation of the building for a place of worship intensifies the use at the non-conforming site (as measured by the minimum parking ratio). A Substantial Conformance Improvement Permit is needed to guide development to meet the intent of the standards set forth in the Zoning Ordinance.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of case BA16-002, *conditioned upon the following:*

1. *Compliance with the site plan, landscape plan and sign plan submitted, except as modified by the conditions below.*
2. *The storage container located along the northern property line in the parking lot shall be removed.*
3. *The dumpster located along the northern property line in the parking lot shall be properly located and screened in accordance with City of Mesa Engineering standards and requirements.*
4. *Trees and shrubs shall be planted to the specifications shown in the submitted landscape plan, with one modification: Mondel Pine (*Pinus Eldarica*) and Evergreen Elm (*Ulmus Parvifolia*) shall be substituted with an assortment of Salt River Project (SRP) Recommended Trees for planting near overhead power lines, from the following list: Cascalote (*Caesalpinia cacalaco*), Desert Willow (*Chilopsis lineraris*), Sweet Acacia (*Acacia farnesiana*), Texas Mountain-Laurel (*Sophora secundiflora*), Mexican Redbud (*Cercis Mexicana*) or Ocotillo (*Fouquieria splendens*).*
5. *The palm trees existing along Vineyard, 4<sup>th</sup> Place, and within the property, shall remain protected in place as well as the olive tree along 4<sup>th</sup> Place.*
6. *The existing fabric canopy above the playground on the northern property line shall remain in place and not be increased in size.*
7. *A building permit shall be obtained for the shade canopy over the play structure.*
8. *The parking field shall be resurfaced and the parking spaces will be restriped.*
9. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

### SITE CONTEXT

**CASE SITE:** Existing structure- zoned RM-4 and GC  
**NORTH:** Existing medical office – zoned RM-4; existing office low rise – zoned LC  
**EAST:** (across Vineyard) Existing office low rise – zoned RM-4; existing medium lot residential- zoned RM-4  
**SOUTH:** (across 4<sup>th</sup> Place) Existing very high residential– zoned RM-4; existing very high density residential – zoned DR-3; existing small lot residential – zoned DB-1; existing specialty commercial – zoned DB-1.  
**WEST:** (across the alley) Existing strip retail center – zoned LC

### STAFF SUMMARY AND ANALYSIS

#### Substantial Conformance Improvement Permit (SCIP):

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the redevelopment of a former office into a place of worship. The request does not include any new exterior construction to the offices and public space. The SCIP is employed to validate existing setbacks and landscaping requirements. There is an encroaching canopied playground structure on the north edge of the property, and a planned dumpster enclosure on the north side of the property that will encroach into the required setback.

The table below is a summary of the minimum landscape requirements, applicant’s proposal, and staff recommendation for the site.

#### DEVELOPMENT STANDARDS:

Standard	Code Requirement	Applicant Proposed	Staff Recommended
West Property Line (Along Vineyard)	15’ landscaping setback and 20’ building setback	Building: 23’	As proposed
South Property Line (Along 4 <sup>th</sup> Place)	15’ landscaping setback and 20’ building setback	Building: 10’	As proposed
North Property Line	15’ landscaping, 35’ building	Building: 8’, shade awning: 0’	As proposed
East Property Line	15’ landscaping, 15’ building	landscaping varies: 4’-5’	As proposed
Parking lot landscaping	1 island per 8 parking spaces	Varies	As proposed
Parking	1/75 SF of public assembly = 8.5 required	54 spaces provided	As proposed
Foundation Base	Exterior walls without Public Entrance: 5’ Min. Exterior walls with Public Entrance: 15’ Min.	**Varies: 0’ to 5’ Varies: 10’ to 25’**	As proposed

As shown in the above table, the requested SCIP would allow a reduction in the building and landscape setbacks and foundation base width around the building. The required 35’ building setback on the north side of the property is the combination of the standard 20’ setback plus an additional 15’ per story setback for a building located in the LC district when adjacent to an RM district. The existing building and the shade awning over the playground on the north currently encroach 27’ and 35’, respectively into this required setback. The required building setback on the south side of the property is 20’. The existing building encroaches 10’ into the required southern setback. The existing parking lot encroaches into the required 15 foot landscape setback on the east side of the property. The 23’ building setback on the west side of the property is compliant with setback requirements.

The applicant has noted the following as justification for the granting of the SCIP: 1) the required setbacks cannot be met without the demolition of the building and 2) there is not enough space to add the required landscaping.

The applicant is proposing to maintain some of the landscaping along 4<sup>th</sup> Place. The proposed landscape program along Vineyard features two tree species: *Mondel Pine (Pinus Eldarica)* and *Evergreen Elm (Ulmus Parvifolia)*, that typically grow to a mature height that interferes with the overhead powerlines, and therefore become a maintenance issue. The proposed condition lists trees approved by SRP that typically work when planted under powerlines. Among the trees named by Salt River Project (SRP) Recommended Trees for planting near overhead power lines, include the following list: Cascalote (*Caesalpinia cacalaco*), Desert Willow (*Chilopsis lineraris*), Sweet Acacia (*Acacia farnesiana*), Texas Mountain-Laurel (*Sophora secundiflora*), Mexican Redbud (*Cercis Mexicana*), or Ocotillo (*Fouquieria splendens*). In addition, the existing palm and olive tree on the southern edge are mature and providing shade, and the Staff recommendation includes a condition that the palms and olive tree should be preserved in place.

In order for the entire site to come into further compliance with development standards, staff is conditioning that the dumpster currently located along the northern property line be placed where City of Mesa requires for proper servicing. As part of that condition, the dumpster needs to be properly screened and enclosed per Engineering Department details.

Landscaping along 4<sup>th</sup> Place and Vineyard does not meet the code minimum of 1 Tree and 4 Shrubs per 25 Linear Feet of Street Frontage (4 trees and 16 shrubs per 100'). However, it is recommended that sufficient landscaping will be provided by way of planting those trees and shrubs shown on the submitted landscape plan along both street frontage, within the planters located in the parking field, and within the foundation base adjacent to the building.

The applicant is intending to keep the non-compliant fabric awning (constructed without the benefit of a building permit) over the playground on the north side of the property. Although the structure is located in the required setback, it remains consistent with the proposed place of worship use, and integrates well with the surrounding development.

The applicant indicated that maintenance will take place for the parking field, which will be re-textured and restriped. The applicant has also committed to continuing with this maintenance standard. The number of parking spaces exceeds the minimum number required for this use by the Zoning Ordinance.

The existing storage container on the north edge of the property will be removed is a recommended condition of granting the SCIP, as outdoor storage is not permitted in the RM-4 or LC district.

The minimum foundation base required is 5' wide along an exterior wall without a public entrance, and 15' along an exterior with a public entrance. Along the western, northern, and southern sides (exterior walls without a public entrance), the foundation base varies from 0' to 5'. Along the eastern side (exterior wall with a public entrance), the foundation base varies from 10' to 25'. Providing additional plantings along the western, southern, and eastern sides of the building, will meet the intent of this Ordinance requirement.

#### FINDINGS

1. This request for a SCIP would allow for a place of worship to occupy a former non-profit administrative building in the RM-4 zoning district.
2. The use of a place of worship is consistent with the "Neighborhood: Traditional" character area as identified in the Mesa 2040 General Plan.
3. The proposed site improvements meet the intent of the development standards listed in the Zoning

Ordinance.

4. The improvements proposed by the applicant further the degree of compliance of the overall development.
5. Alterations or demolition of structures on the property would be required in order to meet development standards.
6. The proposed site improvements triggered by the intensification of a place of worship use will not be detrimental to the surrounding neighborhood.

#### **ORDINANCE REQUIREMENTS:**

##### Zoning Ordinance, Sec. 11-13-2 (S) – Substantial Conformance Improvement Permits:

1. Except in the Town Center Redevelopment Area, the Zoning Administrator may approve modifications to certain development provisions specified in this ordinance in conjunction with the expansion, enlargement, or replacement of non-conforming buildings, structures, and sites, through approval of a Substantial Conformance Improvement Permit (SCIP) in accordance with the procedures set forth in Section 11-18-4 (C) of this ordinance. Such SCIP shall be approved only upon a finding by the Zoning Administrator that the entire development site shall be brought into substantial conformance.
2. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with current development provisions that can be attained without causing or creating any of the following conditions:
  - (a) The demolition or reconstruction of existing buildings or other significant structures (except signs).
  - (b) The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
  - (c) The creation of new non-conformities such as decrease in the number of on-site parking spaces below the required minimum, diminution of the water retention areas to less than the minimum required, constriction in the required vehicular access or fire lanes, or reduction of handicapped accessibility.
3. Substantial conformance shall be achieved when the proposed improvements reflect the greatest possible degree of compliance for each specific requirement prescribed in this ordinance.
4. The improvements authorized by the permit shall result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
5. Development requirements that may be modified by approval of the SCIP shall be limited to modifications to building setbacks, landscaping design, on-site parking, building height, right of way dedication, and other site development provision contained in Chapter 15 of this ordinance.