

## Board of Adjustment

### *Staff Report*

**CASE NUMBER:** BA16-015 (PLN2016-00205)  
**LOCATION/ADDRESS:** 4403 E. Broadway Road  
**COUNCIL DISTRICT:** District 2  
**STAFF PLANNER:** Lisa Davis, Planner II  
**OWNER:** Legacy Funeral Home  
**APPLICANT:** Legacy Funeral Home-Todd Allen

**REQUEST:** *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to improvement standards for the development of a funeral parlor in the LC zoning district.*

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

Requesting a Substantial Conformance Improvement Permits (SCIP) to allow the re-purpose of a vacant bank site for a funeral parlor, located at 4403 E Broadway Road. The SCIP application includes requests to: 1) Reduce the required landscape setbacks adjacent to Broadway and Greenfield Roads; and 2) Reduce the required landscape setback at the south property line from 15' to 8' and the east property line from 15' to 6'. The proposed improvements to the site include installation of a landscape parking island, installation of substantial amounts of landscape materials, and painting of the building. The requested modifications would allow for the re-use of the existing nonconforming site, without bringing the entire site into conformance with current standards.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of case BA16-015, *conditioned upon following:*

1. Compliance with the site and landscape plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
3. **Screening shall be provided to meet the requirements of Mesa Zoning Ordinance (MZO), Section 11-30-9.H, for parking spaces adjacent to Broadway and Greenfield Roads.**
4. **The existing illegal non-conforming pole sign shall be removed prior to the issuance of a Certificate of Occupancy and/or final inspection for the funeral parlor.**
5. **The trees planted adjacent to the south and east property line shall be non-deciduous type trees to comply with MZO Section 11-33-3 of the zoning ordinance.**
6. **There shall be a minimum of three bicycle parking spaces provided on the site as per MZO Section 11-32-8.**

**CASE SITE:** Vacant bank – Zoned LC  
**NORTH:** (Across Broadway Rd) Existing manufactured home park – zoned RM-4  
**EAST:** Existing office park – zoned LC  
**SOUTH:** Existing multi-residence development – zoned RM-2-PAD  
**WEST:** (Across Greenfield Rd) Existing bank– zoned LC

### **PROJECT DESCRIPTION**

Existing church campus site area: 1 acre ±  
Existing Building: 4,840 SF  
Parking required: 30 spaces  
Parking Provided: 31 spaces

### STAFF SUMMARY AND ANALYSIS

Development Standard	Code Requirement	Applicant Proposed	Staff Recommended
<i>Setback (building/landscape)</i>			
Broadway Road	15 feet	0 feet measured from future ROW	As proposed
Greenfield Road	15 feet	0 feet measured from future ROW	As proposed
East Property Line	15 feet	6 feet	As proposed
South Property Line	15 feet	8 feet	As proposed
<i>Foundation Base</i>			
North elevation	15 feet	21 feet minimum	As proposed
West elevation	10 feet	10 feet minimum	As proposed
East elevation	5 feet	5 feet	As proposed
South elevation	5 feet	21 feet	As proposed
<i>Landscape material</i>			
Broadway Road	9 trees & 52 shrubs	9 trees & shrubs indicated	As proposed
Greenfield Road	8 trees & 48 shrubs	11 trees & shrubs indicated	As proposed
East Property Line	6 non-deciduous trees & 40 shrubs	6 trees & shrubs as indicated	6 non-deciduous trees and shrubs as proposed
South Property Line	6 non-deciduous trees & 40 shrubs	6 trees & shrubs indicated	6 non-deciduous trees and shrubs as proposed
<i>Landscape material at Foundation Base</i>	6 trees total	6 trees total	As proposed

- The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to improvement standards. The site is being re-purposed from an existing nonconforming vacant bank site to a funeral parlor. The existing 4,840 square feet (SF) building will be utilized with minimal alterations. The site bank building has been vacant for over one year. A summary of the applicant's proposal and staff recommendation for the site is provided in the table above and in discussion below.
- The most significant deviation requested is the proposed zero landscape setback measured from the future right of way (ROW) adjacent to Broadway and Greenfield Roads. Measuring from the existing ROW width at 55' a 6' landscape setback is provided adjacent to both streets. Such setback can be justified based because strict compliance would significantly impact the site as it would require alteration to existing parking and circulation areas, and would likely result in reductions to parking and circulation below what is required for the mortuary land use.
- Currently the required screening for the parking and circulation adjacent to Broadway and Greenfield Roads does not exist but it is required by MZO, Section 11-30-9.H. This section requires that the screen wall must be placed 10' from the ROW and 5' from the parking lot curb. Currently there is 6' between the property line/ROW and the parking curb. Therefore the parking screen wall would need to fit within this 6' space and could not meet all requirements. Staff suggests that they provide the screening with a combination of dense landscape materials (40% maximum) and incorporation of masonry screen walls for the remainder.

- As justification for the SCIP, the applicant has noted:
1. That parking is needed for the site and full implementation of landscape setbacks would remove a substantial portion of the parking and circulation for the site;
  2. Proposed site improvements include installation of landscape material, including all code required trees;
  3. The foundation base provided is significantly wider than is required by code; and
  4. A landscape island at the west side of the property will be installed to comply with code.
- Full compliance with current development standards would require significant alteration to the existing development site, including elimination of on-site parking, and disruption of vehicular circulation. Improvements to the site have been proposed that bring the site into overall compliance with current development standards.
- The intent of a SCIP is to recognize existing site constraints, and work proportionately with the degree of improvement being sought by the applicant to also improve the property based upon the development standards. The proposed improvements with the added conditions of approval constitute the greatest degree of compliance with current development standards without requiring demolition of the existing buildings or other significant improvements to the site. Deviations to current development standards are necessary to accommodate the continued re-purpose of this site with a viable use. The deviations requested will allow the development of the site in a manner that is consistent with development at other similar sites. The deviations will result in a development compatible with and not detrimental to, adjacent properties or neighborhoods.

**FINDINGS:**

1. The previously developed bank site has been vacant for over one year.
2. Full compliance with development standards would require demolition of a significant amount of the existing site improvements, including removal of parking required for the proposed new use.
3. With the approved deviations, the improvements to the site will include installation of landscape material, appropriate screening for the parking and circulation areas adjacent to Broadway and Greenfield Roads, and installation of a landscape island at the west side of the property.
4. An existing non-conforming pole sign is required to be removed.
5. The deviations requested are consistent with the degree of change requested to improve the site.
6. The proposed improvements (based on the submitted plans) together with the recommended conditions of approval will help bring the site into a closer degree of partial conformance with current standards.
7. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

## **ORDINANCE REQUIREMENTS:**

### **Chapter 73, Substantial Conformance Improvement Permits (SCIP)**

#### **Section 11-73-1 Purpose and Applicability**

The purpose of this chapter is to establish a review process by which improvement standards required by this [Ordinance](#) can be incrementally installed on non-conforming sites when such sites are enlarged; buildings are replaced, extended or have additions constructed; or other site modification developed. The intent is to recognize existing site constraints, and work proportionately with the degree of improvement being sought by the applicant to also improve the property based upon the development standards adopted by the Ordinance, and therefore bring non-conforming developments into substantial compliance with this Ordinance through approval of a [Substantial Conformance Improvement Permit](#) (SCIP).

#### **Section 11-73-2 Allowed Modifications**

The only development requirements that may be modified in a [SCIP](#) are building setbacks, landscaping design, on-site parking, building height, right of way dedication, and other site development provisions, contained in this [Ordinance](#).

#### **Section 11-73-3 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.