

Board of Adjustment

Staff Report

CASE NUMBER: BA16-041 (PLN2016-00546)
STAFF PLANNER: Jennifer Gniffke
LOCATION/ADDRESS: 3558 East McDowell Road and 2810 North Val Vista Drive
COUNCIL DISTRICT: Council District 1
OWNER: Jennifer Tonna
APPLICANT: Jennifer Tonna

REQUEST: *Requesting a Special Use Permit (SUP) and Development Incentive Permit (DIP) to allow the development of an assisted living facility in the OC zoning district.*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a Special Use Permit (SUP) and Development Incentive Permit (DIP) to allow the development of an assisted living facility in the OC zoning district. The site is located at the northwest corner of Val Vista and McDowell and is 1.69± acres. Assisted living facilities are permitted in the OC zoning district upon approval of a Special Use Permit (SUP). The site meets the required criteria for consideration of a Development Incentive Permit (DIP) per Chapter 72 of the Zoning Ordinance. The DIP request includes reductions to setbacks and parking requirements.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-041, *conditioned upon the following:*

1. *Compliance with the site plan, narrative and exhibits submitted.*
2. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*

SITE CONTEXT

CASE SITE: Vacant – zoned OC
NORTH: Vacant single residences – zoned RS-35
EAST: (across Val Vista) Single residences – zoned RS-35
SOUTH: (across McDowell) Vacant and single residences – zoned OC and RS-35
WEST: Existing single residences – zoned RS-35

STAFF SUMMARY AND ANALYSIS:

In January 2007 the property was rezoned from R1-35 to O-S (now OC) and a site plan was approved for an office development (Z06-096; Ordinance 4665); the office development was subsequently approved by the Design Review Board (DR07-007). On October 20, 2010 the Planning and Zoning Board approved case # Z10-029 for a Site Plan modification for the development of an assisted living facility in O-S zoning district (Z10-029). On December 14th, 2010 the Board of Adjustment approved a Special Use Permit and a Development Incentive Permit for an Assisted Living Facility in an O-S zoning district (BA10-067). A Design Review application was submitted but never scheduled for a meeting (DR10-014). For economic reasons, the assisted living facility was not built, but is being resurrected now. No changes have been made to the site plan or elevations from what was approved in 2010.

The General Plan designates this site as Neighborhood Citrus, which identifies locations of “primarily residential areas with supporting parks, schools, churches, and small commercial areas.” “The Citrus Neighborhood has developed in an area of Mesa previously occupied by citrus orchards. The character type for this area is large lots with single-residence homes surrounded by citrus trees and other large-leaf foliage and trees along streets.” (Chapter 7. Community Character)

The proposed development is located within the Citrus Sub-Area. The Citrus Sub-Area Plan, which was adopted as a resolution by the City Council, designates this corner for office and related uses, as long as the project maintains the rural citrus character of the area, and is “compatible with the existing residential community and looks like a custom residential dwelling with respect to site layout, landscaping, and architectural design” (*Chapter 4, Section 3*).

This assisted living facility has the appearance of a residential dwelling rather than an institution and is intended to provide a home-like environment for the elderly. The project complies with standards of the Citrus Sub-Area Guidelines. Two rows of citrus trees are proposed along the street frontages and an 8-foot masonry wall with wrought iron is also proposed to provide privacy.

A Special Use Permit (SUP) is required for an assisted living facility located in the OC zoning district in accordance with section 11-6-2 of the Zoning Ordinance.

The subject property qualifies for a Development Incentive Permit (DIP) in that the context and conditions relating to this property satisfy the criteria for an infill property. Qualifying as an infill site provides eligibility through the DIP process to request incentives to accommodate the proposed assisted living facility. Deviations to standard development requirements are requested to the minimum setbacks along the north and west property lines adjacent to RS districts, as well as a reduction to the minimum parking requirement. A summary of Code requirements, the applicant’s proposal and staff recommendation for the request is provided in the table below.

Development Standard	Code Requirement	Proposed Standards	Staff Recommendation
Building Setbacks Adjacent to RS District	25’	18’	Approval as proposed
Landscape Setbacks Adjacent to RS District	20’	10’	Approval as proposed
Parking Requirements Assisted Living	1.0 space for each room plus 2 additional spaces for development with congregate dining and no distinguishable separate dwelling units	1.0 space for each room (total = 26 spaces)	Approval as proposed

Staff is supportive of the requested deviations mentioned above because this project will infill one of the corners of the Val Vista and McDowell Road intersection identified in the Citrus Sub-Area Plan for non-residential use, and because the site is designed as a single-story residential building with high quality materials and the unique character of this neighborhood. This development will be similar to the sister project built by the same owner across the intersection at the SEC of Val Vista and McDowell Road. Staff also recognizes that the requested deviations are insignificant in number and quantity and they meet the purpose of the development standards. Therefore, staff supports the proposed project as it will be a quality infill development just like the other existing assisted living facility at the southeast corner of this intersection.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec. 11-70-5.E. – Special Use Permit, Required Findings:

A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
2. The location, size, design, and operating characteristics of the proposed project are consistent with the

purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Zoning Ordinance, Sec. 11-72-3 Development Incentive Permit, Required Findings:

A DIP shall not be granted unless the Zoning Administrator, acting as the Hearing Officer, or Board of Adjustment shall find upon sufficient evidence:

- A. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/or policies, and the permitted uses as specified in this Ordinance;
- B. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1200-foot radius of the by-passed property; and,
- C. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.

FINDINGS:

- 1.1** The location and context of this site comply with requirements for an infill site, which authorizes this project to request consideration of a Development Incentive Permit (DIP).
- 1.2** The Citrus Sub-Area Plan designates the subject property for office and related uses, as long as they are designed to be consistent with the rural citrus character; this development meets that criteria and is therefore consistent with the Citrus Sub-Area Plan.
- 1.3** The proposed assisted living facility is consistent with the policies of the General Plan.
- 1.4** The location, size, design and operating characteristics of the development are consistent with the OC zoning district.
- 1.5** The proposed development should not be injurious or detrimental to the adjacent or surrounding properties, neighborhood or to the general welfare of the City.
- 1.6** Adequate public services, facilities and infrastructure are available for the development.
- 1.7** The proposed incentives would authorize a development that is consistent with the context of the Citrus Sub-Area, and with similar OC zoned properties in the surrounding neighborhood.
- 1.8** The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance. Design elements used on the elevations reflect the large residential character that is the goal of the Citrus Sub-Area Plan for this vicinity.