

Board of Adjustment

Staff Report

CASE NUMBER: BA17-014
STAFF PLANNER: Kaelee Wilson
LOCATION/ADDRESS: 5037 East Broadway Road
COUNCIL DISTRICT: Council District 2
OWNER/ APPLICANT: Legacy Senior Management, LLC

REQUEST: *Requesting a Special Use Permit (SUP) to allow an existing residential care and assisted facility to also be utilized as a nursing home facility in the RM-4 BIZ District. (PLN2016-00922)*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a Special Use Permit (SUP) to allow the existing assisted living facility to convert to a skilled nursing facility.

STAFF RECOMMENDATION

Staff recommends approval of case BA17-014 with *the following conditions:*

- 1. Compliance with the site plan, landscape plan, floor plans, and elevations submitted,*
- 2. Compliance with all requirements of the Development and Sustainability Department in the issuance of building permits.*
- 3. The Special Use Permit to allow a nursing home is applicable to all of the cottages.*

SITE CONTEXT

CASE SITE: Existing assisted living – zoned RM-4-BIZ
NORTH: (Across Broadway Road)- Manufactured home subdivision- RM-2-PAD
EAST: Office development – zoned OC
SOUTH: Attached residential development – zoned RS-6-PAD
WEST: Religious institution- OC

ANALYSIS

The request is to convert one of the ten cottages into a skilled nursing facility to allow for hospice care. The Zoning Ordinance defines hospice care as a nursing home rather than an assisted living facility. Nursing homes are considered to be a slightly more institutionalized land use based on the level of care they provide when compared to assisted living facilities, which are considered to have a more residential component, and therefore thought to be more compatible to residential uses.

In the case of the subject site, this request relates to a technicality with the license received by the State. No changes are proposed to the exterior of the physical structures on this site. Since the site is already developed

as an assisted living facility, and the only real change proposed relates to the level of care being given to the residents of one of ten buildings.

FINDINGS

1. The current Zoning Ordinance requires a SUP for nursing homes in the RM-4 zoning district.
2. The site is an existing assisted living facility that would like to provide hospice care in one of the cottages.
3. The intensification of the level of care reclassifies the use from an assisted living facility to a nursing home.
4. The proposed Special Use Permit will not be detrimental to the surrounding properties as the site has already been operating an assisted living facility, and the operation of the site as a hospice/nursing facility for one of the ten buildings on-site will not change the impact of this site to neighboring properties.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec 11-70-10-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 11-86-2 – Use Types, Residential:

Assisted Living. A residential care institution intended for occupancy by persons of advanced age or limited ability for self-care, which may provide food, transportation, recreation, or other services to the residents thereof, and which is licensed by the Arizona Department of Health Services to perform supervisory care, personal care, or custodial care services. The term shall include boarding houses, dormitories, apartments, and similar multiple-residence living arrangements when operated as an assisted living facility as defined herein, but shall not include group homes for the handicapped, adult care homes, nursing homes, hospitals, or hotels.

Zoning Ordinance, Sec 11-86-3 – Use Types, Public and Semi-Public:

Nursing and Convalescent Homes. Establishment that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of Arizona, including but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.