

Board of Adjustment

Staff Report

CASE NUMBER: BOA17-00463
LOCATION/ADDRESS: 1126 South Gilbert Road
COUNCIL DISTRICT: District 4
STAFF PLANNER: Charlotte Bridges, Planner I
OWNER: Phoenix Retail Partners, LLC
APPLICANT: SimonCRE Highlands IV, LLC

REQUEST: *Requesting a Special Use Permit (SUP) to allow for reduced parking in the GC and LC Districts*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Special Use Permit (SUP) to allow for reduced parking for a fitness center in an existing group commercial center in the GC – General Commercial and LC – Limited Commercial zoning districts, at 1126 S. Gilbert Rd. 34 of the center's existing 286 parking spaces will be removed for the creation of a new pad site within the center. Existing businesses use 62 parking spaces. The approval of the SUP would allow the proposed fitness center to operate with the remaining 190 parking spaces instead of the required 314 spaces. Reduction in Parking is addressed by MZO 11-32-6 "Parking Reductions", and requires a Parking Demand Study.

STAFF RECOMMENDATION

Staff recommends **approval** of case **BOA17-00463** with the following condition:

1. Compliance with the site plan and Parking Demand Study as submitted.

SITE CONTEXT

CASE SITE: Existing group commercial -- GC and LC Districts
NORTH: Existing commercial – LC District
EAST: (across South Gilbert Road) Existing commercial – LC District
SOUTH: (across East Southern Avenue) Existing Group Commercial – LC District
WEST: Existing mini storage – LC District

STAFF SUMMARY AND ANALYSIS:

This group commercial center developed in the late 1990's and early 2000's and included a fitness center, a mattress store, a multi-tenant pad site with a drive-thru lane and another gas station, multi-tenant fast food restaurant with a drive-thru lane at the corner. The property owner at the time was granted several variances including a variance to allow a reduction of 11 parking spaces (BA96-037). The basis for this variance was a parking study dated 8/27/96. The current Parking Demand Study does not include the corner property since it is a separate lot and is no longer part of the same ownership. Staff has established that the corner lot is self-parked.

Following is Table 1 that outlines the current and proposed uses for the group commercial center and compares the MZO minimum parking requirement for each use to those proposed in the current Parking Demand Study dated 12/14/17. The projected pad site is identified as a fast food restaurant with a drive-thru

for purposes of calculating parking demand.

Table 1

USE	SF	MZO REQUIRED Parking Ratios	MZO REQUIRED # Spaces	PROPOSED Parking Ratios	PROPOSED # spaces
Fitness Center:	34,372				
-Fitness Center*	30,372	1 space/100 SF	304	1 space/171 SF	178
-Courts	6,300 (5 courts)	2 spaces/court	10	per Code	10
Banner Urgent Care	3,660	1 spaces/200 SF	19	per Code	19
Future Fast Food w/ drive-thru*	2,000	1 spaces/100 SF	(20 new spaces)	per Code	Future
Multi-tenant bldg w/ drive-thru:					
Judd's Orthodontic	2,925	1 spaces/200 SF	15	per Code	15
Fizz Drink's	2,733	1 space/100 SF	28	per Code	28
		Total Spaces	376		252

*The parking study miscalculated the required parking for these two uses.

Currently, there are 286 on-site parking spaces within the group commercial center. The applicant proposes removing 34 spaces to facilitate the creation of a new fast food with a drive-thru lane pad site, leaving 252 on-site parking spaces. 62 of these spaces are used by existing businesses, leaving 190 spaces for the fitness center. Time-of-day variation in use establishes the peak demand for the center to be 186 parking spaces at 6:00 PM. This conforms to the use patterns of other fitness centers run by this company.

The fitness center parking alone is the subject of the SUP. All other uses are parked to MZO standards. The proposed pad site is discussed in the parking study, but its building area is hypothetical, and the intent is for it to be parked to MZO standards.

MZO 11-32-6.B allows the Zoning Administrator to require a Parking Demand Study to substantiate the basis for granting a reduction in parking and may include any of the following information:

1. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.	Included
2. A survey of existing on-street and off-street parking within 300 feet of the project site.	On-site parking is evaluated. Street parking isn't allowed.
3. Standard parking requirements for the use, based on Table 11-32-3(A).	Included
4. Estimated parking demand for the use, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other professionally recognized, and/or accredited sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed.	Included
5. Comparison of proposed parking supply with parking requirements.	Included

6. A shared parking analysis, as appropriate.	Included
7. A description any other characteristics of the site or measures being undertaken that could result in reduced parking demand, including staggered work shifts, telecommuting, shuttles to transit stations, or similar programs.	Peak parking characteristics for each land use is included.
8. Other information as required by the City.	NA

The parking study, which includes time-of-day calculations and references to other fitness center sites operated by this company, establishes that the fitness center will be adequately parked.

SUP Requirements

MZO 11-32-6.A: Parking Reductions Criterial for Approval, states that a SUP for reduced parking shall only be issued if the following criteria are found to be true:

1. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working or visiting the site – exist that will reduce parking demand at the site;	Special conditions are cited in the Parking Demand Study based on the mix of land uses that provide an opportunity to share the parking spaces between lands uses due to the differing times of peek use. In addition, Valley Metro provides local bus service along both Gilbert Road and Southern Avenue, but no parking reductions are made in the Parking Demand Study based on bus service to the center.
2. The use will adequately be served by the proposed parking; and	The Parking Demand Study includes a shared parking analysis performed for the group commercial center based on the data provide by the Institute of Transportation Engineers Parking Generation Manual (4 th Edition). The study concludes that the highest demand for this mixed-use development is 186 spaces and occurs between 6:00 and 7:00 p.m. and that the 241 provided parking spaces are sufficient to satisfy the parking demands of the development.
3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding areas.	NA (There is no on-street parking available on Gilbert Road or Southern Avenue.)

FINDINGS:

- 1.1 A variance (BA96-037) to reduce the required number of parking spaces for the group commercial center was approved in 1996 based on a parking study completed by Kimley Horn and Associates, Inc. and sealed by Charles R. Wright, P.E., dated 8/27/96, which concluded by stating the estimated maximum needed for the entire center would be 308 to 322 spaces.
- 1.2 The property located at the northwest corner of Gilbert Road and Southern Avenue is no longer included in the surrounding group commercial center due to it being under a different ownership.
- 1.3 A the new Parking Demand Study prepared by ASJ Engineering Consultants, LLC, and sealed by Anita S.

Johari, P.E., dated 12/14/17, concluded that only 225 parking spaces are needed.

- 1.4 Special conditions are cited in the Parking Demand Study based on the mix of land uses that provide an opportunity to share the parking spaces between lands uses due to the differing times of peak use.
- 1.5 The Parking Demand Study is based on the data provide by the Institute of Transportation Engineers Parking Generation Manual (4th Edition) and was prepared by ASJ Engineering Consultants, LLC, and sealed by Anita S. Johari, P.E., dated 12/14/17.
- 1.6 The Parking Demand Study concludes that the highest demand for this mixed-use development is 186 spaces and occurs between 6:00 and 7:00 p.m. and that 252 parking spaces are sufficient to satisfy the parking demands of the development.

ORDINANCE REQUIREMENTS:

11-32-6: Parking Reductions

Required parking for any use may be reduced through approval of a Special Use Permit, pursuant to Chapter 70, unless specified otherwise, and the following:

- A. Criteria for Approval. A Special Use Permit for reduced parking shall only be issued if the following criteria are found to be true:
 - 1. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site—exist that will reduce parking demand at the site;
 - 2. The use will adequately be served by the proposed parking; and
 - 3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
- B. Parking Demand Study. In order to evaluate a proposed project's compliance with the above criteria, the Zoning Administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces and includes any of the following information:
 - 1. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.
 - 2. A survey of existing on-street and off-street parking within 300 feet of the project site.
 - 3. Standard parking requirements for the use, based on Table 11-32-3(A).
 - 4. Estimated parking demand for the use, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other professionally recognized, and/or accredited sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed.
 - 5. Comparison of proposed parking supply with parking requirements.
 - 6. A shared parking analysis, as appropriate.
 - 7. A description any other characteristics of the site or measures being undertaken that could result in reduced parking demand, including staggered work shifts, telecommuting, shuttles to transit stations, or similar programs.
 - 8. Other information as required by the City.

11-70-5: Special Use Permit

- E. **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.