

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00423
STAFF PLANNER: Kim Steadman
LOCATION/ADDRESS: 7830 E. University Drive
COUNCIL DISTRICT: District 5
OWNER: State Association of the Church of God of Prophecy
APPLICANT: Withey Morris PLC – Adam Baugh

REQUEST: *Requesting: 1) a Special Use Permit (SUP) to allow a community center to be located in the RM-4 and RS-43 Districts; and 2) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the RM-4 District.*

SUMMARY OF APPLICANT'S REQUEST

This request is for a Special Use Permit (SUP) and a Substantial Conformance Improvement Permit (SCIP) to allow a Community Center to locate on a site with RM-4 and RS-43 zoning. The applicant proposes converting an existing ±8,223 SF church building into a community center. In addition, a vacant property at the rear of the site will be developed with an additional building and outdoor activity areas for the community center. The Mesa Zoning Ordinance (MZO) requires a SUP for community centers in residential zoning districts.

The church site was built to the standards of an earlier Code. The change to a new use requires full compliance with current Code. The SCIP process allows for incremental improvements to bring the site into substantial conformance with Code.

STAFF RECOMMENDATION

Staff recommends **approval** of case BOA18-00423, **with the following conditions:**

1. *Compliance with all requirements of the Development Services Department in the issuance of building permits except as modified by this request.*
2. *Compliance with the site plan, Sheet #1, dated May 2018.*
3. *Compliance with the Plan of Operation and the Good Neighbor Policy in the Project Narrative.*
4. *The outdoor activity areas may only be used between the hours of 7:00 a.m. and 9:00 p.m. and at least one staff member must be present at all times when the outdoor activity area is in use.*
5. *Project lighting shall be designed to minimize glare and light trespass from the subject site to the adjacent residential properties in accordance with MZO 11-30-5.*

SITE CONTEXT

CASE SITE: Existing church building – Zoned RM-4; Vacant lot – Zoned RS-43
NORTH: Existing single residences – Zoned RS-7
EAST: Existing single residences – Zoned RS-7
SOUTH: Existing fire station – Zoned RS-43
(Across University Drive) Existing single residences – Zoned RS-6-PAD
WEST: Existing single residences – Zoned RS-7

STAFF SUMMARY AND ANALYSIS:

Requests #1 – SUP for a Community Center in the RS-43 and RM-4 Districts

The applicant is requesting a SUP to establish a community center use on a site that comprises two parcels with residential zoning. In addition to using the existing church, the vacant site north of the church will be developed with a building and additional outdoor activity areas for the use of the community center.

The site is surrounded by residential uses on three of its four sides. Staff has used the SUP process to establish that this community center can function in a manner that minimizes its impact on adjacent residential properties. The applicant has revised the site plan to move uses away from neighboring properties, and to comply with Code requirements for the keeping of animals adjacent to residences.

MZO 11-70-5.E establishes findings that are required if the Board of Adjustment is to approve a SUP:

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;	The General Plan designates this area of Baseline Road as a Neighborhoods character area. This community-focused use is appropriate to this character area, and the General Plan's goal to provide places that bring people together.
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;	The applicant establishes, in the Project Narrative, their intent to comply with Code, especially for the various outdoor uses proposed. The location of a community center in a neighborhood area is consistent with the purposes of residential zoning districts when the use has been vetted through the SUP process. This review process has established that the design of the outdoor operations is designed to be compatible with the neighborhood.
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	The project narrative outlines the applicant's measures to minimize the impacts of this use on adjacent neighbors. By limiting hours of operation, providing for the maintenance of the outdoor uses, acknowledging standards for the keeping of animals and the requirements for site lighting to minimize the impact of lighting on residential neighbors, the proposed use will not be detrimental to the surrounding neighborhood.
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	This area is developed, providing all the infrastructure, services and facilities needed.

FINDINGS for Requests #1 - SUP for a Community Center in the RS-43 and RM-4 Districts

- 1.1** The proposed community center activities take place within two main buildings, and outdoors in the proposed activity areas at the north part of the site.
- 1.2** Hours of operation – The community center hours of operation will be 7:00 a.m. to 9:00 p.m. seven days a week.
- 1.3** The project narrative includes a Plan of Operation & Good Neighbor Policy
- 1.4** Internal property lines all have existing CMU walls.
- 1.5** The project narrative establishes compliance with lighting standards, equine standards and site/litter control standards.

1.6 The Plan of Operation provides contact information and protocol for complaints about compliance with the SUP.

Request #2: Substantial Conformance Improvement Permit -- SCIP

This is a \pm 3-acre site located on the north side of University Drive between Sossaman Road and 80th Street in a residential area. The vacant church on the developed portion of the site is being repurposed as a Community Center, a use that requires a SUP. That new use is expanding to develop the vacant site to the north. The expansion of this developed site into the vacant parcel triggers full compliance with current MZO development standards. Full compliance would require removal of existing improvements that would be impractical. The intent of this SCIP request is to achieve a proportional degree of improvement that will bring the site into substantial conformance with Code.

The table below is a summary of the minimum MZO requirements, applicant's proposal and staff recommendations for the site:

RM-4 DEVELOPMENT STANDARDS (Existing Site Only):

Development Standard	Code Requirement		Applicant Proposes:		Staff Recommends:
<i>Setback</i>	<i>Building</i>	<i>Landscape</i>	<i>Building</i>	<i>Landscape</i>	
University Drive (6-lane)	30'	30'	±265'	±20'	As proposed
West Property Line	20'	20'	50'	±11'	As proposed
North Property Line	N/A	N/A	N/A	N/A	N/A
East Property Line	20'	20'	±178'	25'	As proposed
<i>Landscape material</i>					Staff recommends plant counts to meet code.
University Drive	7 trees/40 shrubs		±4 trees/ various shrubs		
East Property Line	15 trees/72 shrubs		±13 trees/ various shrubs		
West Property Line	7 trees/ 34 shrubs		±4 trees/various shrubs		
South (Interior) Property Line	7 trees/42 shrubs		±4 trees/various shrubs		
<i>Foundation Base</i>					
South Elevation	15'		12'		As proposed
East Elevation	10'		22'		As proposed
North Elevation	5'		0' to 3'		As proposed
West Elevation	5'		10'		As proposed
<i>Landscape islands 1 per 8 parking spaces</i>	17 islands		13 islands		As proposed
<i>Screening of parking areas from adjacent street</i>	36" to 42" walls		Meets		As proposed
<i>Screening wall abutting residential district or use</i>					
South property line	6' tall		Existing ±6' walls to remain		As proposed

The requested SCIP allows for deviations from the following development standards:

- Required landscape width adjacent to the public right-of-way and the west property line.

- Required foundation base adjacent to the north, south elevations.
- Required parking lot landscape islands

Per MZO Chapter 73, the intent of a SCIP is to recognize existing site constraints, and to work with the applicant to proportionally improve the property based upon current development standards. The staff recommendation to add plantings to current Code constitutes improved compliance with current development standards that is in proportion to the limited change of use proposed for the site. Deviations to current development standards are necessary to accommodate the continued viable use of this site. The deviations requested 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 the surrounding neighborhood.

FINDINGS for Request #2: SCIP:

- 2.1** The request for a SCIP would allow for the reuse of a vacant church/site to a community center.
- 2.2** The change of use invokes conformance to current development standards.
- 2.3** The proposed new improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
- 2.4** Full compliance with current code would require removal or relocation of existing improvements.
- 2.5** The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- 2.6** The deviations requested along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a closer degree of conformance with current standards.
- 2.7** A Community Center is considered a Semi-Public use in the residential districts. This is not one of the uses for which Site Plan Review is required per MZO 11-69-2.

ORDINANCE REQUIREMENTS:

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.

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.

The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Section 11-86-3: Public and Semi-Public Use Classifications

Community Center. Any noncommercial facility established primarily for the benefit and service of the population of the community in which it is located. Examples include youth centers and senior centers. This classification excludes community facilities operated in conjunction with an approved residential or commercial use that are not generally available to the public.