

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00426
STAFF PLANNER: Charlotte Bridges, Planner I
LOCATION/ADDRESS: 1954 East McKellips Road
COUNCIL DISTRICT: District 1
OWNER: Glenwood Development Company
APPLICANT: Mollie Zemer, Barclay Group
Eric Gerster, Sustainability Engineering Group

REQUEST: *Requesting: 1) a Special Use Permit (SUP) to allow for the reduction in required parking; and 2) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the LC District.*

SUMMARY OF APPLICANT'S REQUEST

This request is for a Special Use Permit (SUP) and a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of a former grocery store building in an existing commercial center into a fitness center facility. The site is approximately 4.2 acres, located at the northwest corner of McKellips Road and Gilbert Road and was originally developed in the mid-1980s. To accommodate the new fitness center use, the applicant is requesting a SUP to allow for reduced parking.

STAFF RECOMMENDATION

Staff recommends **approval** of case BOA18-00426, **with the following conditions:**

1. *Compliance with the site plan (dated 6/13/18) and landscape plan (dated 6/11/18) submitted except as modified by the following conditions.*
2. *Compliance with all requirements of the Development Services Department in the issuance of building permits.*

SITE CONTEXT

CASE SITE: Existing vacant commercial building – zoned LC
NORTH: Existing single residences – zoned RS-43
EAST: (Across Gilbert Road) existing single residences – zoned RS-9
Existing restaurant – zoned LC
Existing drive-thru restaurant – zoned LC
SOUTH: Vacant commercial pad site within the same commercial center – zoned LC
(Across McKellips Road) existing commercial development – zoned LC and OC
WEST: Existing in-line tenant building in the same commercial center – zoned LC

STAFF SUMMARY AND ANALYSIS:

Request #1 – SUP for Reduced Parking

To facilitate the conversion of the existing retail building to a new fitness center, the applicant is requesting a reduction in the number of required parking spaces. The proposed fitness center site was developed as a part of a group commercial center with shared parking and cross access between the lots. Following is Table 1 that outlines the current and proposed uses for the group commercial center and compares the MZO parking requirement for each use to the parking recommendations in the Parking Demand Study dated 6/1/2018.

USE	SF	MZO REQUIRED Parking Ratios	MZO REQ'D # Spaces	PROPOSED Parking Ratios	PROPOSED # spaces
Proposed EOS Fitness	52,857 ¹	1 space/100 SF	529	1 space/180 SF	203 ²
- (1) Court	1,570 SF	2 spaces/court	2	2 spaces/court ³	4
Shopping Center (in-line stores)					
- Got Roots	1,726	1 space/275 SF	6	per Code	6
- UPS Store	1,906	1 space/275 SF	7	per Code	7
- Nail Salon	894	1 space/275 SF	3	per Code	3
- Cleaners	908	1 space/275 SF	3	per Code	3 ⁴
- Orchard Eats	3,025	1 space/275 SF	11	per Code	11 ⁵
- Vacant	5,065	1 space/275 SF	18		18
Serrano's (Restaurant)	4,902	1 space/75 SF	65	per Code	65
Happy Pets	5,000	1 space/275 SF	18	Per Code	18
McDonald's Pad	4,520	1 space/100 SF	45	per Code	45
		Total Spaces	707		383

¹The Parking Study used 54,427 GFA. Staff reduced the GFA by 1,570 SF, the approximate SF of the basketball court, to reflect MZO parking requirements.

²The number of proposed parking spaces was calculated using the 36,569 SF adjusted floor area based on the recommendation of the Parking Study.

³The Parking Study included the swimming pool as a "court".

⁴The Parking Study miscalculated the proposed # of spaces for the Cleaners.

⁵The Parking Study miscalculated the proposed # of spaces for Orchard Eats.

Currently, there are 399 on-site parking spaces within the group commercial center. Two parking spaces are lost in the reconfiguration of spaces to accommodate ADA parking in front of the proposed fitness center, leaving a total of 397 parking spaces.

The Parking Demand Study justifies the reduction of the number of required parking spaces for the fitness center use from 531 required parking spaces to 207 parking spaces. Overall, the number of required parking



Figure 1 – Site Location Map (Source: Google maps)

spaces for the group commercial center is reduced from 707 spaces to 383 spaces. This results in a surplus of 14 parking spaces for the group commercial center.

The proposed fitness center facility alone is the subject of the SUP for reduced parking. 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 in Table 1. Street parking isn't allowed. There is no off-street parking associated or allowed for this group commercial center.
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.	The Parking Demand Study includes a "shared parking analysis" based on data provided by the Institute of Transportation Engineers Parking Generation Manual (4 th Addition). Also, the Parking Demand Study includes a letter from a representative of the proposed fitness center facility stating that historical operation of their facilities, including those located in metro Phoenix, has determined that 200 parking spaces would meet the demands of the fitness members at this location.
5. Comparison of proposed parking supply with parking requirements.	Included
6. A shared parking analysis, as appropriate.	Included
7. A description of 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.	NA
8. Other information as required by the City.	NA

The Parking Demand study, which recommends an alternative parking ratio for the proposed fitness center use, establishes that 207 parking spaces is adequate for the proposed fitness center facility.

FINDINGS for Request #1: SUP for Reduced Parking:

- 1.1** A Parking Demand Study prepared by ASJ Engineering consultants, LLC, and sealed by Anita Shanker Johari, P.E., dated 6/20/18, concluded that only 207 parking spaces are needed to support the proposed use.
- 1.2** Special conditions are cited in the Parking Demand Study based on the parking usage at other EOS Fitness Centers, concluding that a ratio of 1 parking space/180 SF of adjusted floor area is sufficient.
- 1.3** By MZO standards, the parking demand for the building's 52,857 SF area at a ratio of 1 parking space/100 SF of GFA , plus 2 parking spaces/ court, which equates to 531 parking spaces.
- 1.4** The Parking Study's shared parking analysis of the group commercial center indicates there are 397 parking

spaces and that the uses within the group commercial center, including the property fitness center, require 383 space, resulting in a surplus of 14 parking spaces.

- 1.5** The Parking Demand Study establishes that the highest demand for this group commercial center is 330 spaces and occurs between 7:00 pm and 8:00 pm. Consequently, the 397 provided spaces meet the parking demands of the center.

Request #2: Substantial Conformance Improvement Permit -- SCIP

The proposed fitness center site is part of an existing group commercial center that was developed to the standards of an earlier Zoning Ordinance. The property has been in its current configuration since the mid '80s and is considered an existing, non-conforming site. Due to the site's non-conformities and a proposed use with increased parking requirements, staff had published a public notice advertising a request for a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards and a SUP to allow reduced parking. Evaluation of the request for reduced parking established that the proposed use can function with the existing parking count. This means the use of the site is not being intensified and the SCIP is not required.

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.