

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00744
STAFF PLANNER: Kim Steadman
LOCATION/ADDRESS: 3405 N. Higley Road
COUNCIL DISTRICT: District 5
OWNER: Sunshine Acres Children Homes
APPLICANT: Pew & Lake, PLC – DJ Stapley

REQUEST: *Requesting a modification to a Special Use Permit (SUP) to allow a Comprehensive Youth Residence in the RS-90 District.*

SUMMARY OF APPLICANT'S REQUEST

This request is to modify a Special Use Permit (SUP) for a Comprehensive Youth Residence. The masterplan for the subject site has been updated to show existing and proposed uses. In addition to existing buildings and uses the masterplan identifies areas for proposed uses that will be added, as funding becomes available.

STAFF RECOMMENDATION

Staff recommends **approval** of case BOA18-00744, **with the following conditions:**

1. *Compliance with the Masterplan and Narrative, including phased development pursuant to the masterplan submitted.*
2. *Paving of all primary vehicular access drives which lead to children's or staff residences; access drives between the primary drive and the individual residences may use a base course of crushed granite or gravel as a dust control parking surface.*
3. *Compliance with all requirements of the Development Services Department in the issuance of building permits.*

SITE CONTEXT

CASE SITE: Existing Sunshine Acres Comprehensive Youth Residence – zoned RS-90
NORTH: Loop 202 Red Mountain Freeway, and vacant land – zoned RS-90
EAST: (Across the 56th Street alignment) Vacant land – zoned LC-PAD-CUP
SOUTH: (Across Longbow Parkway) Vacant land, and Longbow Golf Club – zoned LI-PAD
WEST: (Across Higley Road) Vacant land, and Existing office/industrial use – zoned LI

STAFF SUMMARY AND ANALYSIS:

Sunshine Acres Children's Home has existed on this site since the mid-1950s. The property was annexed in 1982, but Mesa's Zoning Ordinance didn't include a provision that adequately described this land use. The City adopted a definition and a Special Use provision for Comprehensive Youth Residences, and Sunshine Acres received a SUP through case BA09-017.

The '09 SUP addressed the existing uses and envisioned expansion. It established that existing and proposed uses complied with Code. Recently Sunshine Acres has completed a more comprehensive masterplan that identifies existing and proposed uses. The purpose of this review is to establish that the current proposals

comply with the SUP standards for this use.

MZO 11-5-8 “Comprehensive Youth Residence” allows this use in the RS-90 district upon approval of a SUP, provided all of the following items are present:

MZO 11-5-8.A

1. The site contains at least 20 contiguous acres; and	Complies: the facility is located on 119 contiguous acres.
2. The facility is licensed by the State of Arizona; and	Complies: the facility has been licensed by the State of Arizona since 1954.
3. The number of beds provided by the facility exceeds 25, and	Complies: the facility has 60 beds, with plans to expand up to 250 beds.
4. The facility provides on-site counseling, education and recreation catering specifically to the resident population; and	Complies: the narrative establishes that Sunshine Acres provides these services.
5. All applicable setbacks and building height requirements for the RS-90 district are maintained.	Complies: the applicant has provided a dimensioned plan demonstrating compliance of existing structures and showing the required setbacks for future structures.

MZO 11-5-8.B

In addition to the mandatory items listed above, such facilities may include, but are not required to have, such uses as on-site retail stores, offices, indoor or outdoor recreation (including equestrian) facilities, and detached staff residences, all of which directly relate both to the support and to the operation of the facility, and are clearly considered as an accessory use to the primary activity. If provided, accessory retail and accessory office uses, in aggregate for both uses, shall not exceed 10 percent of the aggregate gross floor area as shown on an approved Comprehensive Site Plan of the entire facility. On-site detached staff residences may consist of manufactured housing.	Complies: the masterplan and the narrative identify the uses that directly relate both to the support and to the operation of the facility. In addition, an aggregate of not more than 3% of accessory retail and office uses are identified.
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MZO 11-5-8.C Spaces with utility connections may be provided for Recreational Vehicles (RVs) for use by temporary or seasonal volunteers as temporary quarters, provided:

1. No park model RV units are used,	Complies: RV spaces are for the use of temporary or seasonal volunteers, and park model RV units are not used.
2. No space is used for longer than 6 months out of a 12-month calendar year, and	Complies: the narrative states the facility will continue to comply with this standard.
3. No RV accessory structures, as defined in Chapter 87, are constructed.	Complies: the narrative states the facility will continue to comply with this standard.

MZO 11-70-5: Special Use Permit

MZO 11-70-5 provides required findings for approval of a SUP. To approve the request, the Board must find the following criteria are met:

REQUIREMENT	FINDINGS
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;	Sunshine Acres has held the required SUP for this use since City Council established the use in 2009. The updated narrative and masterplan demonstrate compliance with the City’s policy for Comprehensive Youth Residences.
The location, size, design, and operating characteristics of the proposed project are consistent	This is a permitted use (with a SUP) in the RS-90 district. The project, as presented in the narrative and masterplan

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;	demonstrate compliance with the standards of the RS-90 district.
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 use has coexisted with neighboring properties since the 1950s. The masterplan demonstrates a well-designed use of the site, with ample separation from adjacent uses. Staff believe the use will not be injurious or detrimental to the neighborhood or the City.
Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	Sunshine Acres is an existing use in this location. Public services, facilities and infrastructure are available.

FINDINGS

1. Sunshine Acres Children's Home has been located at this site for more than 50 years.
2. The case site is larger than the minimum 20 acres required, and the facility has more than 25 beds licensed by the State of Arizona for a youth residence. The masterplan identifies existing offices, recreational buildings and fields, a chapel, a medical clinic, as well as on-site residences for staff and youth and other facilities that directly support the comprehensive youth residence program.
3. The masterplan identifies a range of future development to support the program, such as additional residences for youth and staff, an updated recreation center, a larger dining hall, a maintenance facility, and expansion of the baseball field facility.
4. The narrative identifies the proposed expansion from the existing 60 beds to 250 beds.
5. Sunshine Acres relies on donations and grants for its proposed development. A 10 to 15 year timeline is anticipated to achieve the full scope of development proposed in the masterplan.
6. A previous variance was approved (case ZA05-047) to permit the existing fence to exceed the maximum height permitted within a required front yard. No changes are proposed to this variance.
7. As provided in the applicant's narrative and in the masterplan, this facility complies with the standards for a Comprehensive Youth Residence in the RS-90 district.

ORDINANCE REQUIREMENTS:

MZO 11-5-8: Comprehensive Youth Residence

- A. Comprehensive youth residences are allowed in the RS-90 District upon approval of a Special Use Permit, provided all of the following items are present:
 1. The site contains at least 20 contiguous acres; and
 2. The facility is licensed by the State of Arizona; and
 3. The number of beds provided by the facility exceeds 25, and
 4. The facility provides on-site counseling, education and recreation catering specifically to the resident population; and
 5. All applicable setbacks and building height requirements for the RS-90 district are maintained.
- B. In addition to the mandatory items listed above, such facilities may include, but are not required to have, such uses as on-site retail stores, offices, indoor or outdoor recreation (including equestrian) facilities, and detached staff residences, all of which directly relate both to the support and to the operation of the facility, and are clearly considered as an accessory use to the primary activity. If provided, accessory retail and accessory office uses, in aggregate for both uses, shall not exceed 10 percent of the aggregate gross floor area as shown on an approved

Comprehensive Site Plan of the entire facility. On-site detached staff residences may consist of manufactured housing.

- C. Spaces with utility connections may be provided for Recreational Vehicles (RVs) for use by temporary or seasonal volunteers as temporary quarters, provided:
 - 1. No park model RV units are used,
 - 2. No space is used for longer than 6 months out of a 12-month calendar year, and
 - 3. No RV accessory structures, as defined in Chapter 87, are constructed.

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.