



Board of Adjustment

Staff Report

CASE NUMBER: BA14-051 (PLN2014-00456)
STAFF PLANNER: Lesley Davls – Planner II
LOCATION/ADDRESS: 1018 S Meridian Rd
COUNCIL DISTRICT: Council District 6
OWNER: American Legion Apache Post 27
APPLICANT: Kenneth Queen

REQUEST: Requesting: 1) Requesting a Special Use Permit to allow a club/lodge; and 2) Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing club/lodge, both in the RM-4 zoning district. (PLN2014-00456)

SUMMARY OF APPLICANT'S REQUEST

This request for a SUP will allow for a club/lodge in an RM-4 district. The SCIP will allow for the addition of a 1,760 square-foot outdoor patio space on the north end of an existing building.

STAFF RECOMMENDATION

Staff recommends approval of case BA14-051, *conditioned upon the following:*

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions below.*
2. *Provide 2 trees and 10 shrubs on the north side of the northernmost building on the site.*
3. *Compliance with all requirements of Design Review Administrative Approval.*
4. *Compliance with all requirements of Development Services in the issuance of building permits.*

SITE CONTEXT

CASE SITE: Existing American Legion Apache Post 27 – zoned RM-4
NORTH: Existing mobile home development – Maricopa County
EAST: (across Meridian) Existing mobile home development – Maricopa County
SOUTH: Existing single residence subdivision – zoned R5-6
WEST: Existing elementary school – zoned RS-6

STAFF SUMMARY AND ANALYSIS

This site is an existing American Legion Post, which is classified as a club or lodge in the Zoning Ordinance. The property is located on the west side of South Meridian Road north of Southern Avenue and is located in the RM-4 zoning district. The applicant has proposed a new outdoor patio, which is 88-feet by 12-feet (1,760 s.f.) on the north side of their southernmost building. The patio is situated between the existing buildings, so visibility from Meridian is fairly limited. This American Legion Post was constructed in 2000.

The constraints of the existing development include the existing buildings on the site as well as the existing parking and landscaping. This SCIP request would provide relief from 1) The number of parking islands required within the parking field; 2) The requirement for a 20-foot landscape setback adjacent to the RS-6 development

to the west and south.

A summary of the applicant's proposal and staff recommendations for the site is provided in the tables below. Modifications to Code are in bold/blue type.

Landscape Setback Standards		Current Code	Proposed	Recommendation
South (adjacent to RS-6 existing single residences)		20'	10'	As proposed – existing condition
West (adjacent to RS-6, existing elementary school)		20'	10'	As proposed – existing condition
North (adjacent to RM-4, vacant future expansion area for American Legion Post)		0'	12'	As proposed – existing condition
East (Adjacent to Meridian)		20'	20'	As proposed – no deviation proposed
Parking:	1 landscape island with 1 tree and 3 shrubs for every 8 parking spaces		No change to existing	As proposed

The proposed site will be in substantial conformance with current code. Physical improvements to the existing development constitute the greatest degree of compliance without full demolition of the existing site improvements and without creating new non-conforming conditions. Full compliance with all requirements would significantly limit the continued lawful, permitted use of this site.

FINDINGS

1. This request is for a SUP and a SCIP to accommodate the expansion of an existing American Legion Post, which is classified in the Zoning Ordinance as a Club or Lodge, in the RM-4 district. The applicant is proposing to construct a 1,760 square-foot patio addition, which will be utilized as an outdoor gathering space. The patio is proposed on the north side of the southernmost building and is located between two existing structures.
2. The site is located about a quarter mile north of Southern Avenue on the west side of Meridian Road. There are two entrances from Meridian with parking provided on all four sides of the buildings.
3. The existing development complies with all of the building setback standards, however the landscape areas adjacent to the RS-6 developments to the west and south are not as wide as code currently requires, which is 20-feet. Compliance with these setbacks would remove necessary parking spaces and drive aisles for the existing development. The deviations along the east and west property lines are 10-feet, providing a 10-foot setback to the parking spaces/drive aisles. The existing setbacks were in compliance with code when the building was constructed in 14 years ago.
4. Landscaping on the perimeter of the site is existing and fully mature. The number of plant materials is in conformance with the current standards for the number of trees and shrubs required. The applicant has only proposed to add landscape plant material to the area north of their northernmost building, which is a large undeveloped blank space. They have proposed 2 additional trees be planted in that area with decorative rock. Staff recommends that a minimum of 10 shrubs be added to that area so that it looks as though it is part of the overall landscape theme.

5. Current code requires that there is one landscape island with 1 tree and 3 shrubs for every 8 parking spaces within the development. The applicant has proposed that they leave the existing parking in its current configuration with no additional landscape islands. The addition of the landscape islands would eliminate necessary parking spaces for the development.
6. Full compliance with current Code development standards would require significant demolition of existing improvements.
7. The proposed Special Use Permit is being requested to allow the expansion of the existing Club or Lodge in the RM-4 zoning district. The American Legion has shown itself to operate in a manner compatible with adjacent residential areas.
8. The proposed expansion to the American Legion Post is compatible with adjacent developments, as it is on the interior of the site, between existing buildings, and its purpose is to serve existing members of the club/lodge. Therefore, the proposed expansion will be compatible with, and not detrimental to, surrounding properties.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec. 11-73-3 – Substantial Conformance Improvement Permits – 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.
- B. The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Zoning Ordinance, Sec 11-86-3 – Land Use Classification Types:

Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.

Table 11-5-2- Uses Subject to Special Use Permit:

- (A) Uses Permitted Subject to Approval of a Special Use Permit in all Multiple Residence Districts, in accordance with the Administration and Procedures Chapter of this Ordinance:

Public and Semi-Public Use Classifications				
<u>Clubs and Lodges</u>	--	--	SUP (9, 13)	
<u>Community Center</u>	SUP	SUP	SUP (9)	
<u>Community Gardens</u>	P	P	P	<u>Section 11-31-10. Community Gardens</u>
<u>Cultural Institutions</u>	P (13)	P (13)	P(9, 13)	
<u>Day Care Centers</u>	SUP/P (10, 13, 14)	P (8, 13, 14)	P (13, 16)	<u>Section 11-31-9. Commercial Uses in Residential Districts</u>

Justification and Compatibility Statement

Apache Post 27
1018 S Meridian Rd

[X] Special Use Permits

The request to build a Patio attached to the existing building at 1018 S Meridian Road will be in conformance with the intent of the City Code, the General Plan, and all other specified plans or Council Policies. When first constructed in 2000, the building at the aforementioned address was then in conformance with the intent of the City Code, the General Plan, and Council Policies. As a member in good standing of the City of Mesa and our surrounding community we do, and will continue to, strive to ensure compliance. In the past, we have requested and received special events licenses from the City of Mesa to hold outdoor events for our membership. We are always concerned about, and take whatever precautions are necessary, to ensure that these events do not negatively impact on the surrounding community. We have not once received complaints from the surrounding community when such events were held. Once the Patio is constructed and is open to our membership, we will continue to ensure that events held on the Patio do not negatively impact on our surrounding community.

[X] Substantial Conformance Improvement Permit (SCIP)

(A) The demolition or reconstruction of existing buildings or other significant structures (except signs).

The major demolition effort will be the removal of existing asphalt from the area where the concrete slab is to be poured. Licensed contractors will be used to dig up and remove the asphalt. All debris will be removed from the site via dump truck. Once that has been done, crushed rock will be spread and compacted at the depth required by City building codes. Temporary forms will be erected to contain the concrete pour to plan; including rebar for reinforcement of the concrete. The concrete will then be poured and finished. Once the concrete has dried thoroughly, the support columns for the roof will be installed followed by the installation of the roof itself. All work will be done in compliance with City building codes.

(B) The cessation of the existing conforming use, or preclusion of any other lawful, permitted use.

N/A

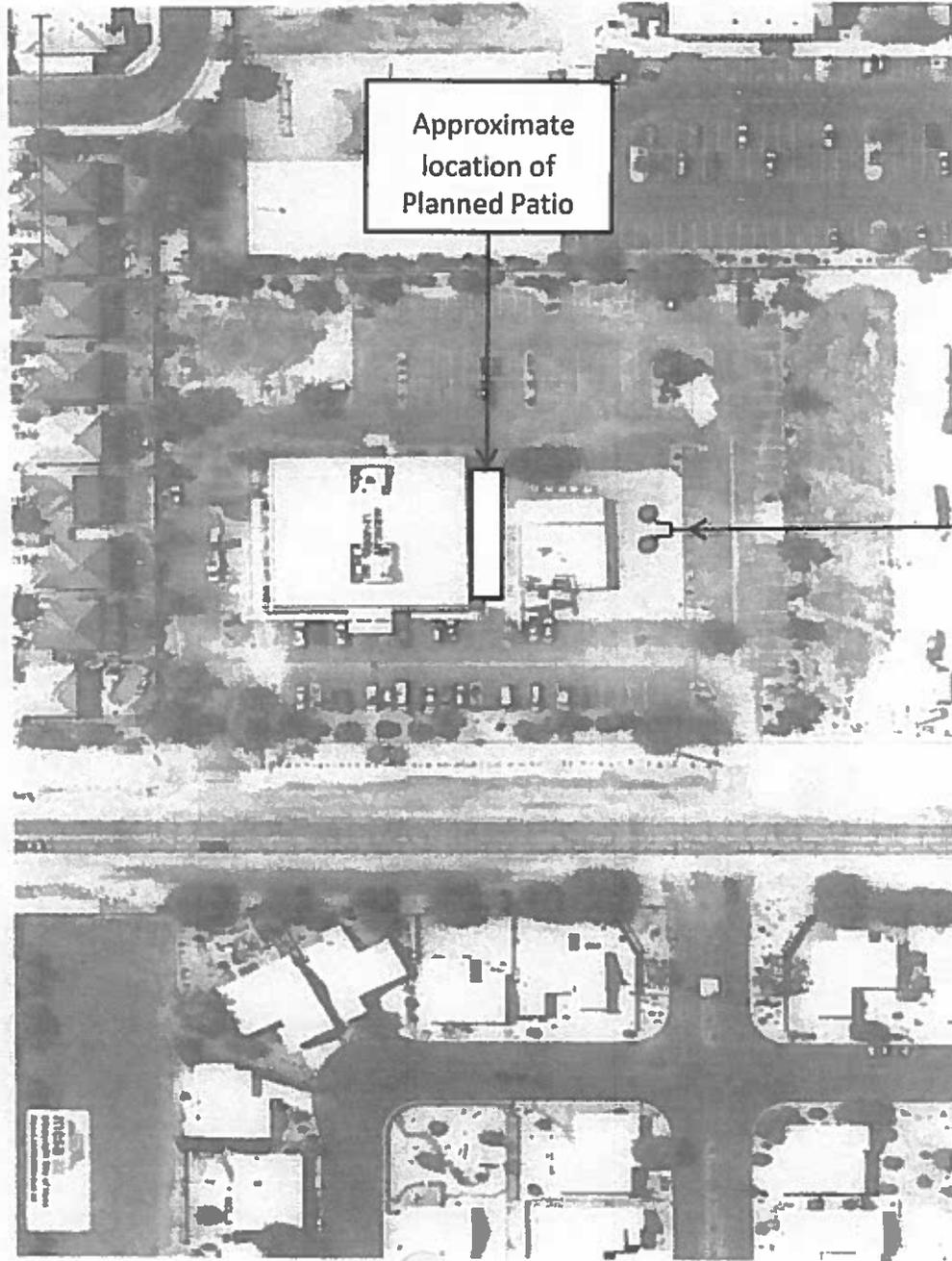
(C) The creation of new nonconformities such as a decrease in the number of on-site parking spaces below the required minimum, diminution of water retention areas to less than the minimum required, constriction in the required vehicular access or fire lanes, or reduction of handicapped accessibility.

Construction of the Patio will not create any new nonconformity. The number of onsite parking spaces is not affected. There will be no diminution of water retention areas. There will be no in the required vehicular access or fire lanes. There will be no reduction of handicap accessible parking spaces.

However, we have been informed by the City of the change in the required number of parking islands for new building constructions since our building was first built in 2000. To compensate for this change in requirement, we will be adding new landscaping to that which is already in existence. Specifically, we will be planting two new trees on the north side of the lot, and will be adding decorative landscaping stone/rock to cover exposed earth; again on the north side of the lot.

Landscaping Plan

Apache Post 27
1018 S Meridian Rd

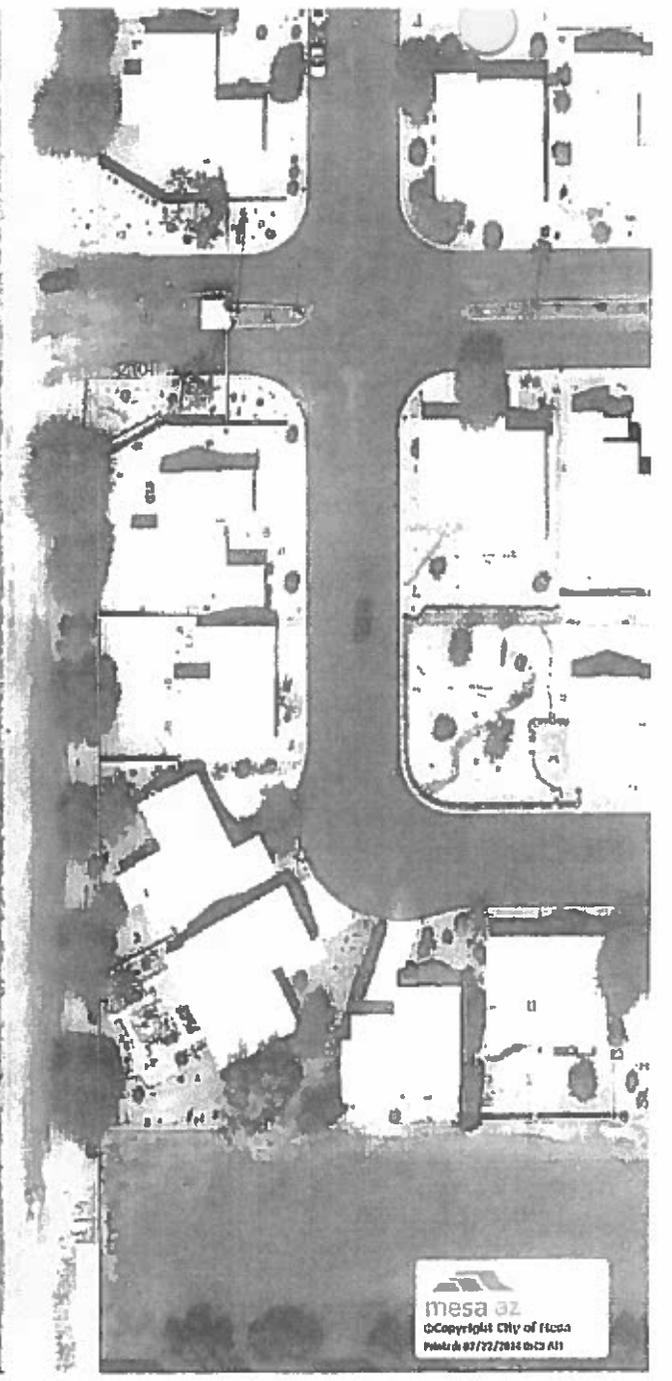
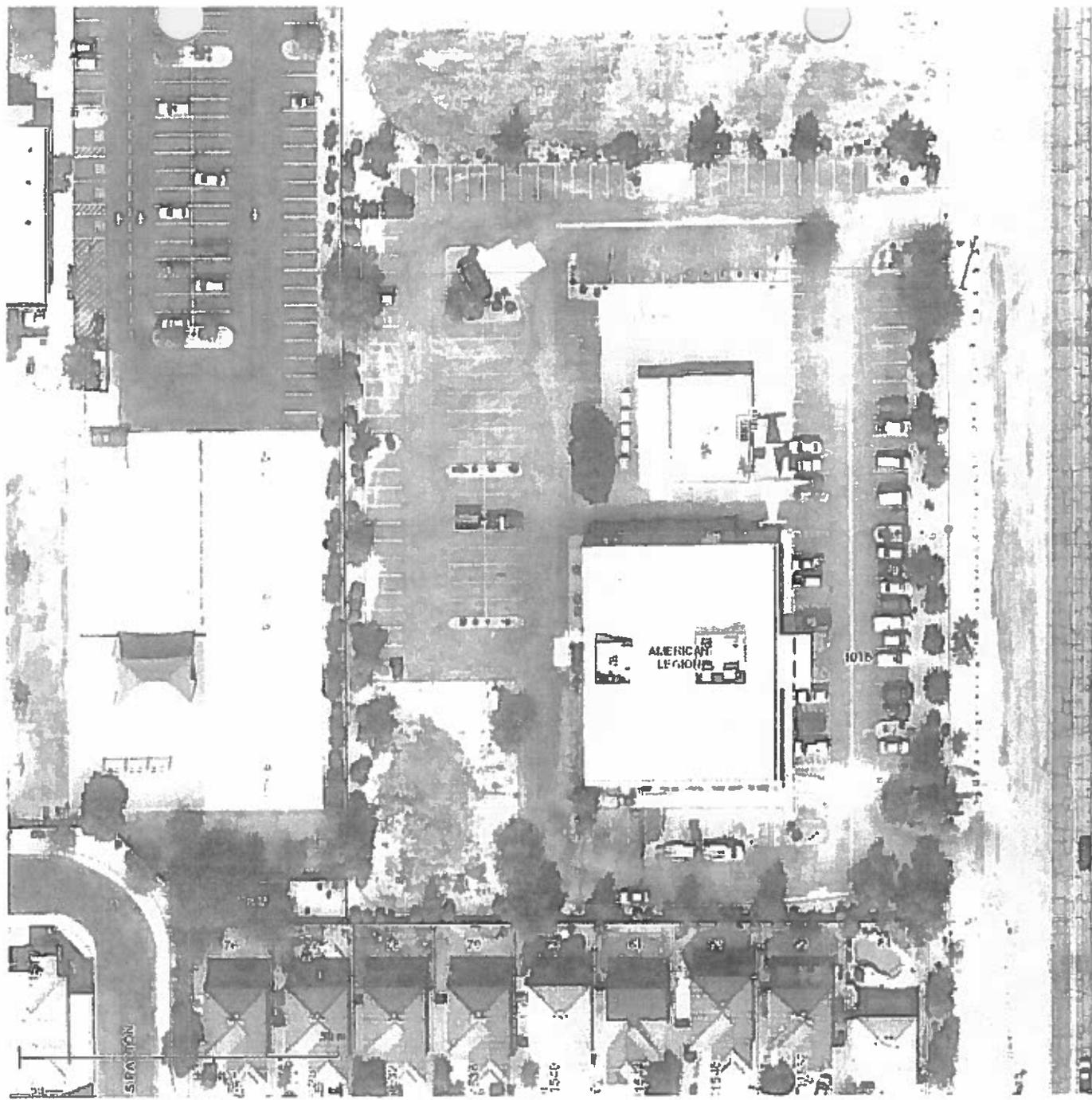


2 New Trees
(colored in blue)

We will also
cover the
grounds with
landscaping rock.

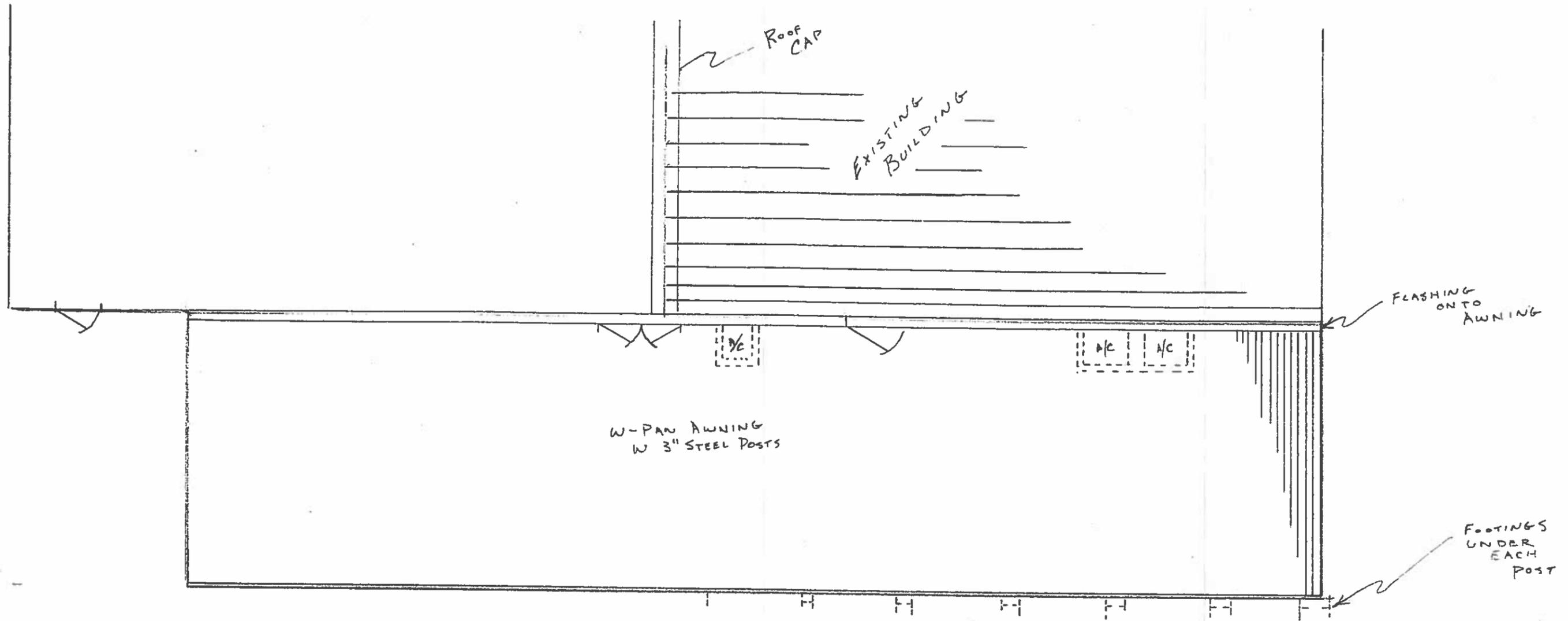
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AMERICAN LEGION POST 27

SCALE: $\frac{1}{8}'' = 1'$

