



## Planning and Zoning Board

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### *Case Information*

**CASE NUMBER:** **Z15-044 (PLN2015-00447)**  
**LOCATION:** The 7100 & 7200 blocks of East McDowell Rd (north side)  
**GENERAL VICINITY:** Located east of Power Road on the north side of McDowell Road  
**REQUEST:** Rezone from PEP-PAD-PAD (7.5 ± acres) and LC-PAD-PAD (6.8 ± acres) to LC-BIZ-PAD and a Council Use Permit.  
**PURPOSE:** This request will allow for the development of a transitional senior living facility (independent living, assisted living, memory care)  
**GENERAL PLAN:** This request is not consistent with the General Plan  
**COUNCIL DISTRICT:** District 5  
**APPLICANT:** Ralph Pew / Reese Anderson – Pew & Lake, PLC  
**STAFF PLANNER:** Kim Steadman – Planner II

### **SITE DATA**

**PARCEL NO.:** 219-19-007S  
**EXISTING ZONING:** PEP-PAD-PAD (7.5 ± acres) and LC-PAD-PAD (6.8 ± acres)  
**GENERAL PLAN CHARACTER AREA:** Neighborhood Village Center  
**CURRENT LAND USE:** Vacant  
**LOT SIZE:** 14.3± acres

### **SITE CONTEXT**

<b>NORTH:</b>	(Across Oasis St.) vacant	–zoned RM-2-PAD
<b>EAST:</b>	(Across Ridgecrest) existing residential	–zoned RS-9-PAD
<b>SOUTH:</b>	(Across McDowell Rd.) existing residential	–zoned RS-7-PAD
<b>WEST:</b>	(Across Boulder Canyon) school & vacant	–zoned PEP-PAD-PAD

**STAFF RECOMMENDATION:**

**Denial**

**P&Z BOARD RECOMMENDATION:**

☐ Approval with conditions. ☐ Denial

**PROP-207 WAIVER:**

☒ Signed ☐ Not Signed

### **ZONING HISTORY / RELATED CASES**

**1982:** Low Density 0-1 du/acre land use category in Mesa General Plan  
**June 27, 1986:** Annexed into the City of Mesa (Ord. # 2088)  
**December 15, 1986:** Rezone from R1-90 to R1-35, R1-15, R1-9 and from R1-35 to R1-15 and R1-9. Also consider the Falcon Ridge DMP: Approved (Z86-112).  
**December 19, 1988:** Commerce Park Land Use Category in Mesa General Plan

<b>July 5, 1994:</b>	Rezone Parcel 11 of Las Sendas DMP from R1-90 DMP (Conceptual R1-7 PAD) to R1-15 PAD DMP and the Modification of the Las Sendas DMP: Approved (Z94-32)
<b>August 28, 1995:</b>	Rezone from R1-90 DMP (Conceptual C-2) to C-2 DMP to develop a pro shop for Parcel 7: Approved (Z95-73)
<b>August 28, 1995:</b>	Modification of the Las Sendas DMP to reconfigure parcels: Approved (Z95-74)
<b>August 29, 1995:</b>	Parcel 37 of Las Sendas rezoned from R1-6 PAD to R1-7-PAD, Approved. (Z95-75).
<b>May 6, 1996:</b>	Medium Density Residential 2-5du/acre land use category in Mesa General Plan
<b>August 14, 1997:</b>	Modification to the Las Sendas DMP: Withdrawn by applicant in letter dated 9/3/97 prior to approval from the Planning & Zoning Board (Z97-60)
<b>January 5, 1998:</b>	Rezone from R1-90 to R1-90 DMP for the development of the Las Sendas Mountain DMP: Approved (Z97-61)
<b>September 8, 1998:</b>	Modification to the Las Sendas DMP: Approved (Z98-62)
<b>August 4, 1999:</b>	Parcel 1 rezone from R1-90 DMP to R1-35 PAD, DMP. Approved. (Z99-057).
<b>June 24, 2002:</b>	Business Park land use category in Mesa 2025 General Plan
<b>September 7, 2003:</b>	Amendment to DMP/deviate from approved master plan- due to complexity of proposals further pre-submittals recommended. (PS04-133).
<b>December 3, 2004:</b>	Application withdrawn for rezoning request for Parcel 51. Request included a resort, office and retail uses.
<b>May 19, 2008:</b>	-Minor General Plan Amendment to change the General Plan Land Use Map from Business Park to Medium Density Residential 6-10 du/acre (20± ac), and Neighborhood Commercial (9± ac). (GPminor07-011) -Rezone from R1-90-DMP to R-2 (20± ac), C-2 (9± ac), and PEP (21± ac), all part of a PAD overlay and a modification to the Las Sendas DMP. Also consider a Preliminary Plat. (Z07-074). -Development Agreement. (Resolution #9264)

### PROJECT DESCRIPTION

The proposed Canyon Winds Senior Living Community is a “senior living property providing independent living, assisted living and memory care in a campus setting...” a 4-story residential building in the northwest area of the site houses the 124 units of Independent Living. Just to the east of that building 60 units of assisted living (in a 2-story wing) and the 32 units of memory care (in a 1-story wing) are housed in a separate residential building. These uses are classified as residential uses by the City of Mesa Zoning Ordinance.

### **CITIZEN PARTICIPATION**

The applicant met the standard Citizen Participation mailing radius to property owners within 1,000 feet of the subject site, homeowners' associations within a half mile, and registered neighborhoods within a mile of the site. They also found that the 1,000' radius netted too few property owners (329) and added 186 property owners to the notification list. Also, the Las Sendas HOA forwarded the applicant's notification letter to all residents within the HOA.

A Neighborhood Meeting was hosted on Tuesday, October 27<sup>th</sup> at 6:00 PM at Las Sendas Elementary School. The applicant's summary of questions & answers is attached. The main concerns seem to group around the height of the 4-story building, view corridors being blocked, appropriateness of the use and increased traffic. There were also general questions about the workings of the proposed assisted living and memory care uses, as well as statements of support.

Staff has received 5 comments from neighbors, including concerns about height, the appropriateness of the access drives within residential neighborhoods, and the effect of the project on native wildlife. These comments are compiled in the Neighbor Comments to Staff document, attached.

### **CONFORMANCE WITH THE MESA 2040 GENERAL PLAN**

*Summary: Upon review of the five evaluation criteria, on balance the proposal does not meet the goals of the General Plan. While the proposal does lend support to the General Plan's goal for providing diversity of housing in all areas of Mesa, the proposal is not consistent with the designated Neighborhood Village character type or with the City's economic development goals for this area of Mesa. The economic development goals are established through Chapter 5 of the General Plan and the Falcon Field Economic Activity Area Strategic Plan.*

The goal of Mesa 2040 General Plan is to establish and maintain character areas and to build a sense of place in neighborhoods and in commercial/employment areas of activity. Rather than focusing on individual land uses, the Plan focuses on the "character of development in different areas." Character types combine concepts of land use with building form and intensity to describe the type of area being created through the development that occurs.

### **Criteria for review of development**

The state statutes require that all rezonings be consistent with the adopted General Plan. Determining consistency with the General Plan requires a review of the proposal against the character area requirements and the other goals and policies of the Plan and any adopted sub-area plans. The following criteria have been developed for use during the review process to determine whether the proposed development is achieving the vision and goals established in this Plan and thus meeting the statute requirements.

**1. Is the proposed development consistent with furthering the intent and direction contained in the General Plan? Staff Answer: No. In weighing the factors, the proposed development does not further the intent and direction of the General Plan.**

The General Plan focuses on creating land development patterns that emphasize the character of place and focusing on those principles that build neighborhoods, stabilize the job base, and improve the sense of place.

This property is within the Desert Uplands area and part of the Las Sendas development. The subject location has long been recognized and set apart as a place for employment activities. The current zoning and site plan approved for this site provides the opportunity for a mix of non-residential uses that will help to provide a neighborhood gathering place as well as jobs for area residents.

The neighborhoods chapter of the General Plan (Chapter 4) lists some principles to be followed to help create and maintain great neighborhoods. These apply to both residential and non-residential areas. Particular items to consider from this chapter as they pertain to the proposed zoning and site plan are:

- Build Community and Foster Social Interaction
- Connectivity and Walkability
- Provide for Diversity
- Neighborhood Character and Personality

To implement the General Plan, the development of this property needs to address these topics. The currently approved zoning and site plan for this property does a good job of implementing these principles by providing a mixed use environment of community and neighborhood oriented businesses in a walkable environment. The senior living use does not address the topics of fostering social interaction, connectivity and neighborhood character as effectively as the mixed use commercial area previously approved.

Chapter 4 also discusses housing issues and the need to provide for housing of all ages and demographics. The General Plan, however, does not support housing of this nature at this particular location which is designated as a Village Center. There are many other areas throughout Mesa where senior housing is appropriate.

The jobs chapter of the General Plan (Chapter 5) describes the importance to the City to continue to grow our economic base and increase the number of jobs per household. It also lists several key elements needed to help grow our supply of stable jobs. This Chapter of the Plan establishes four Economic Activity Areas, one of which is the Falcon Field Economic Activity Area. A sub area of the Falcon Field area is the North Power Road area which contains this specific location (see Figure 5-1 and page 5-11 of the General Plan).

The North Power Road discussion contains the following:

*North Power Road: This corridor includes a mix of education, retail and office uses with easy access from the arterial street network and the 202 Freeway. Because of its close proximity to Falcon Field there is an*

*economic tie between the success of this area and the continued growth and development of Falcon Field. This area includes the Red Mountain campus of Mesa Community College and is the northern end of the Power Road Knowledge Corridor. As the entry into the Desert Uplands area, this area has the opportunity to provide for executive offices, high end retail and restaurants, and resorts. Development should incorporate a desert character.*

The proposed development is contrary to the goals of the North Power Road area because the use does not provide for a mix of educational, retail, and office uses.

Additionally, because of the emphasis in the General Plan to maintain employment areas, Economic Development Policy 1 contained in this chapter states that requests to change from non-residential uses to residential uses will include review by the Economic Development Office and could be referred to the Economic Development Advisory Board (EDAB). The Economic Development Office has referred this request to EDAB. Letters of opposition from both the Economic Development Office and EDAB are attached.

The applicant's Project Narrative includes - on p. 25 of the Narrative - the report "Economic and Revenue Impacts of Land Use Alternatives" which compares the economic benefits of 3 development scenarios for this site. Staff has attached a February 24, 2016 letter from Mesa's Office of Economic Development raising concerns with the assumptions and conclusions of the report. The letter also expresses concern about the development's compliance with the General Plan.

Addressing public spaces and cultural resources is covered in chapter 6 of the Plan. There is not a strong connection with this chapter to this proposal. Should the proposed use be approved, however, the design needs to take into consideration the opportunity to provide quality public spaces.

**2. Is the proposed development consistent with adopted sub-area or neighborhood plans?**  
**Staff answer: No. The proposed development is not consistent with the Falcon Field Economic Activity Area Strategic Plan.**

This area does not have a specific sub-area plan. It is, however, part of the Falcon Field Economic Activity Area Strategic Plan.

Development of the property as proposed does not further the economic development goals established in the Falcon Field Economic Activity Area Strategic Plan. The Plan was completed in August 2014 and accepted by Council and looks at the area north of Brown Road from Gilbert Road to Ellsworth Road and considers what can be done to further improve this area as an economic engine for Mesa. While it primarily considered opportunities for retaining and growing jobs, it also considered the need for appropriate housing for executives and workers. In particular the study identified the need for larger, over 25,000 sq. ft., office projects near the Loop 202. As northeast Mesa is increasingly

built-out, there are few sites with freeway access that are suitable for commercial and employment land uses. This site's immediate adjacency to ramps to the Loop 202 make it suitable for commercial and office types of land uses.

**3. Is the proposed development consistent with the standards and guidelines established for the applicable character type(s)?**

**Staff answer: No. The proposed development does not provide the shopping and services to the nearby population that are required in the standards and guidelines established in the Neighborhood Village Center.**

The General Plan Character Area Map designates this area as Neighborhood Village Center. The General Plan describes this character type as:

"Focus: Neighborhood Village Centers are typically shopping areas that serve the population within less than a two-mile radius. In aggregate, these shopping areas are generally between 15 and 25 acres in size. These centers may also include a mix of uses including residential and office. Big box uses (single retail spaces in excess of 80,000 sq. ft.) are generally not part of a village center. The goal for these areas, over time, is to provide for the regular shopping and service needs of the nearby population while also becoming a center or focal point to the surrounding neighborhoods; to become a gathering place for local residents."

The proposed use for this property as a continuum-of-care facility for senior citizens does not meet the fundamental starting point for this character type by failing to establish a shopping area.

The primary proposed facility is independent senior living (apartments) with supporting facilities for nursing care and memory care. While these types of residential uses can be located in a commercial zone when planned as part of larger mixed use setting, these use are residential in nature and better suited for a multi-residence zoning district (see discussion in Staff Analysis). Further, while residential uses are allowed in the Neighborhood Village character type, the intent is to add residential uses incidentally to a larger commercial mix of land uses in order to strengthen the viability of the commercial uses. The proposed development is primarily residential and does not include a larger commercial mix of land uses. The proposed use will not result in the creation of a Neighborhood Village Center as described in the General Plan and will not function as an activity hub for the nearby population.

Because the applicant's proposed uses do not carry out the intent of the Neighborhood Village Center a General Plan amendment to the "Neighborhoods" character type is needed. While this property is technically within the area designated for Desert Uplands, given the density of the adjacent neighborhood, and the location on the edge of the Uplands area adjacent to the Loop 202 Freeway, an appropriate General Plan designation for this proposed use could be the Suburban Neighborhood Character sub-type. This General Plan Character Type would allow development consistent with what the applicant has proposed.

**4. Will the proposed development serve to strengthen the character of the area by:**

- **Providing appropriate infill development;**

Not applicable.

- **Removing development that is deteriorated and/or does not contribute to the quality of the surrounding area;**

Not applicable.

- **Adding to the mix of uses to further enhance the intended character of the area;**

The proposed use does not meet the General Plan goals for providing the needed mix of uses in this area. The area lacks office, commercial, employment, and retail uses.

The surrounding Desert Uplands area is primarily single residential and the proposed development does not enhance the mix of uses. While there are no similar assisted living and independent living facilities in the area, the intended character at this location is that of an employment site with supporting commercial uses. These uses are what is needed to create a mix of uses in the area. The greater Las Sendas residential development was allowed to develop with a low density housing pattern with the understanding that the site of the proposed development is designated for non-residential use in order to create the necessary balance of mixed use, to serve the neighborhood and to help address the employment needs of the City.

- **Improving the streetscape and connectivity within the area;**

The applicant's proposed site design is auto-oriented, with a central building surrounded by a parking field and landscaped areas. There is minimal connectivity to the exterior of the property, though the site plan does show a pedestrian connection to the public sidewalk at each of the two entries.

Development consistent with the Neighborhood Village Center would provide the desired connectivity.

- **Meeting or exceeding the development quality of the surrounding area;**

The proposed development has been reviewed by staff and the Design Review Board. The applicant is proposing the use of quality materials and interesting architecture. Staff believes that the development would meet or exceed the quality of development in the surrounding area if the use were permitted at this location.

**5. Does the proposed development provide appropriate transitions between uses? In more urban areas these transitions should generally be accomplished by design elements that allow adjacent buildings to be close to one another. In more suburban locations these transitions should be addressed through separation of uses and/or screening;**

Overall, the development provides for appropriate transitions. There is some concern for the height and massing of the independent living building for this location. While the proposed buildings will be bigger than current development in the surrounding area, the

four-story building has been tucked into the side of the hill in a manner to help reduce the impact of this massing. The building is also located in the center of the site away from the established neighborhoods. Landscaping is also proposed to screen the massing of these buildings.

#### **STAFF ANALYSIS:**

**HISTORY:** The land known as Parcel 51 has been reserved for commercial/employment uses throughout the history of the Desert Uplands development in Northeast Mesa. The 2007-2008 approvals on the site fleshed out that intent into an approved plan which, while ceding two pieces of land to moderate-density residential uses, approved a site plan with office buildings, a resort hotel, and neighborhood commercial uses. The land owner entered into a Development Agreement that locks in the approved plan and zoning. A request to modify the site plan, uses, or zoning must also modify the Development Agreement in order to be approved by City Council.

**GENERAL PLAN:** As far back as 1988 City of Mesa General Plans have designated this property for employment and commercial uses. As discussed previously, the proposed use does not meet the current General Plan's Neighborhood Village character type.

Because the proposed use of the property as a continuum-of-care facility for senior citizens does not meet the intent of the General Plan character area designation of Neighborhood Village Center a Minor General Plan amendment is necessary. The General Plan states that a development proposal of less than 20 acres that is not consistent with the designated character area can be approved without a minor plan amendment if the remaining character area is still over 20 acres. In this case, if the development is approved the remaining area available for the Neighborhood Village Center is under 15 acres, therefore, the intent of the General Plan is compromised as the envisioned character for the area is below the minimum size. Due to this situation, this rezoning request must be accompanied by a Minor General Plan amendment to change the General Plan character type to "Neighborhoods" which would still allow commercial use on the remaining 15 acres.

Staff has discussed the need for a General Plan amendment with the applicant. The applicant believes that because the Neighborhood Village Center character type includes the option for residential uses, the proposed development is consistent with the character area designation and, therefore, a minor plan amendment is not needed. However, the definition clearly states that these centers are "typically shopping areas" that "may include a mix of uses including residential" (emphasis added). It also states "The goal of these areas, over time, is to provide for the regular shopping and service needs of the nearby population..." The proposed use and site plan do not meet this description and will leave a piece of property that is too small for the future development of the shopping area envisioned in the General Plan.

**REZONING:** Existing zoning is PEP-PAD-PAD (7.5 ± acres) and LC-PAD-PAD (6.8 ± acres). Staff advertised the applicant's request for rezoning that would result in LC-BIZ-PAD on the site, and



a CUP for a residential use within a commercial district. The new BIZ would allow for building heights to exceed 30' in the LC-zoned portion of the site. The PAD that is carried forward is the Las Sendas Development Master Plan that overlies the area.

The purpose of the Limited Commercial (LC) District is

“[t]o provide areas for indoor retail, entertainment and service-oriented businesses that serve the surrounding residential trade area within a one- to ten-mile radius. Typical uses include, but are not limited to, grocery store and additional large-format store anchored tenant shopping centers with additional drug stores, fast-food restaurants, hardware and building supply stores, gas stations with convenience stores, and restaurants and cafes.”

While the zoning district allows some residential uses through a CUP, the intent of the LC zoning district is to create commercial shopping areas that may have supporting residential component. The purpose of the CUP process is to allow a case-by-case review of such requests. The applicant considers the proposed development a commercial use because of the assisted living nature of the residential use. The zoning code however, classifies assisted living as a residential use. Additionally, the larger portion of the proposed development is residential in nature by virtue of the independent living component. Because of these factors, staff believes the property needs to be rezoned to a multi-residence district in order to allow the proposed use.

The proposed residential use, with 216 units on 15.9 gross acres equals a density of 13.6 dwelling units per acre, which is within the allowed RM-2 range of 20 du/ac. Staff finds that the appropriate zoning for the applicant's requested uses and densities is RM-2-PAD with a Special Use Permit (SUP) for the Memory Care use and reduced parking. If additional height, above the 30 foot maximum, is to be approved it would be through a BIZ overlay. Since the applicant's request is not secondary to a larger commercial center, the RM-2 zoning is more appropriate than the LC-CUP alternative.

**CUP FOR RESIDENTIAL USES IN COMMERCIAL DISTRICTS:** The Zoning Ordinance allows residential uses in commercial districts when located, developed and operated in compliance with the following standards:

- “A minimum of 40 percent of the Gross Floor Area of the entire project is reserved for non-residential uses.
- A minimum of 65 percent of the ground floor of each building remains reserved for non-residential uses.
- Maximum residential density shall be no more than 15 dwelling units per acre in the NC district, and no more than 25 dwelling units per acre in the LC and GC districts.”

The current proposal does not meet any of the above requirements, therefore the Zoning Ordinance requires the applicant to obtain a Council Use Permit to allow the residential use in a commercial zone. The Zoning Ordinance provides the following Criteria for Review of the Council Use Permit:

- “The use is found to be in compliance with the General Plan, Sub Area Plans and other recognized development plans or policies, and will be compatible with surrounding

- uses; and
- A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations; and
- A finding that a “good neighbor policy” in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses; including measures to assure that commercial activity will remain as a viable activity on this site; and
- Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current City development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines.”

As outlined above the applicant’s proposal is not consistent with the General Plan or the Falcon Field Economic Activity Area Strategic Plan. One of the specific requirements for approval of a CUP is that it be consistent with the General Plan and other recognized development plans or policies. This proposal does not meet this test.

**SITE PLAN:** The 124 units of Independent Living are housed in the 3 wings of a 4-story building with its entry court to the west, from Boulder Canyon. A separate building, with its entry court to the north, from Oasis St. houses the 60 units of assisted living (in a 2-story wing) and the 32 units of memory care (in a 1-story wing). Surrounding the two building cluster is a ring road with areas of double-loaded parking located adjacent to building entrances. There is a large open wash drainage channel that runs along the McDowell Rd frontage that will be retained in place. This site is within Mesa’s Desert Uplands Area, so a Native Plant Preservation Plan is required.

**BIZ:** The Independent Living is proposed as a 4-story building, with the first level somewhat set into the grade of the sloping site. The proposed height is 41’ to the Top of Plate, and 55’ to the highest roof. Tall buildings had previously been proposed for this site, and a condition of approval of the Z07-074 case was to limit the office and hotel to 4 stories. The Desert Uplands Area Design Guidelines do not specifically discourage tall buildings but do recommend “clustering buildings with compact footprints, especially if multi-story buildings, to preserve view corridors, preserve natural open space and provide views of distant mountain profiles.”

**PARKING:** The applicant’s request includes a reduction in parking. Per the project narrative “Due to the fact that a majority of the independent living residents do not drive and that none of the assisted living or memory care residents drive, the typical number of parking spaces needed for a project of similar square-footage is not needed.” 367 parking spaces are required, per Code. 220 are proposed, which is a reduction of 177 spaces. This reduction of 177 spaces requires an SUP. The following table compares required parking with the applicant’s proposal.

Parking Analysis					
Use	# of units	Required ratio	Required # of spaces	Proposed ratio	Proposed # of spaces
Memory Care	32	1 per unit & 2	34	0.5 per unit	16
Assisted Living	60	1.2 per unit	72	0.5 per unit	30
Independent Living	124	2.1 per unit	261	1 per unit	124
Staff/Visitor	-	Included in per unit ratios	-	0.23 per unit	50
Totals:	216	-	367	-	220

Staff has reviewed recent cases for precedent to compare the applicant's request. Board of Adjustment case BA13-052 granted an SUP for reduced parking for a memory, assisted, independent living facility at 2415 S Signal Butte Road in 2013 that reduced the required 161 spaces to 133 space, which is 83% of the requirement. The request was justified in a parking analysis of the applicant's other similar facilities. The request for this case is 60% of the typical requirement. If it is determined that this proposed use should move forward staff would request a parking analysis to justify the reduction in parking.

**DEVELOPMENT AGREEMENT:** Existing approvals on this site include a Development Agreement (DA) between the property owner and the City for office buildings, a resort hotel and neighborhood commercial land uses. The proposed development is on Parcels B and C in the DA. The DA specifically limits the uses on Parcel B to retail and requires a minimum retail improvement of 57,000 leasable square feet of retail shops. The use on Parcel C was limited to a hotel, however that provision expired. The DA provided that upon the expiration of the hotel use, Parcel C can have Class A Offices use with ancillary uses allowed. The DA also states that outside of Parcel D the remainder of the project is proposed for nonresidential uses.

The proposed development does not meet the conditions of the DA; therefore, the current proposal cannot proceed without an amendment to the DA. The Applicant has offered to terminate or amend the DA but has not proposed a specific amendment because the proposed rezoning has not been decided.

Staff believes that many of the goals expressed in the DA remain viable for the parcel. These goals, as approved by the Council and agreed to by the current land owner, should continue to be pursued with any change of development plans for the property.

#### CONCLUSIONS:

The applicant's proposed development for a continuum-of-care facility for senior citizens is at odds with the General Plan designation for development of a Neighborhood Village Center at this location. While the proposed development satisfies one element of the General Plan - the housing needs - in staff's opinion it does not address the more important elements of

economic development that are articulated in the Plan and are key to the continued growth of the City. Additionally, the proposed development does not meet the requirements of the Falcon Field Sub Area which provide critical guidance for the development of this area.

Further, the proposal to develop residential uses as the sole activity in a commercial district requires a Council Use Permit (CUP). The zoning code identifies specific criteria for the approval of these uses. The proposed development is not consistent with the requirements for the CUP or the intent for the development and use of the commercial zoning district. Finally, there is a Council adopted Development Agreement on this property that requires commercial development in this area. Based on these issues, staff recommends denial of the proposed rezoning, Council Use Permit and associated site plan.

If, through the discussion at the public hearing, the Board determines that the proposed use is appropriate for this location, staff would recommend a continuance of the case to allow the applicant to amend their request to include a Minor General Plan amendment to the Neighborhood Character type and their zoning request to RM-2-BIZ-PAD with a Special Use Permit for the assisted living component. They would also need to seek modification of the Development Agreement through the City Council.