



## Planning and Zoning Board

### *Case Information*

**CASE NUMBER:** **Z16-027 (PLN2016-00229)**  
**LOCATION:** The 9000 block of East Brown Rd (north side)  
**GENERAL VICINITY:** Located west of Ellsworth Road on the north side of Brown Road.  
**REQUEST:** Rezoning from LC (6± acres) and RS-43 (3.5± acres) to RM-2-PAD, Site Plan Review, Special Use Permit and Preliminary Plat.  
**PURPOSE:** This request will allow for the development of a transitional senior living facility  
**COUNCIL DISTRICT:** District 5  
**APPLICANT:** Wendy Riddell, Esq. - Berry Riddell LLC  
**STAFF PLANNER:** Kim Steadman – Planner II

### **SITE DATA**

**PARCEL NO.:** 218-06-141B; 218-06-141C; 218-06-141D  
**EXISTING ZONING:** LC (6± acres) and RS-43 (3.5± acres)  
**GENERAL PLAN CHARACTER AREA:** Neighborhoods: Desert Uplands  
**CURRENT LAND USE:** Vacant  
**LOT SIZE:** 9.5± acres

### **SITE CONTEXT**

**NORTH:** (Across Glencove Ave.) existing residential (in County)–zoned R1-6  
**EAST:** Existing pharmacy & vacant pad-zoned LC  
**SOUTH:** (Across Brown Rd.) existing residential & office-zoned RS-6-PAD & OC  
**WEST:** Vacant -zoned RS-9

### **STAFF RECOMMENDATION:**

### **P&Z BOARD RECOMMENDATION:**

### **PROP-207 WAIVER:**

### **Approval with conditions**

☒ Approval with conditions. ☐ Denial  
☐ Signed ☒ Not Signed

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

**June 4, 1998:** Annexed into the City. (Ord. #3464)  
**January 19, 1999:** Establish R1-43 City zoning (Z98-117)  
**July 6, 1999:** Rezone from R1-43 to C-2 for development of a grocery/retail center with (3) pad uses (Z99-010)  
**July 6, 1999:** Site Plan Modification to replace some of the pad uses with a pharmacy (Z02-026)

### **PROJECT DESCRIPTION**

The proposed Spectrum Retirement Community – Mesa is a transitional living facility for seniors. The facility will include 173 units, comprised of 97 independent congregate living units, 52 assisted living units and 24 memory care units. Included in the independent living count are three freestanding casitas with 2 units each. These are 2 bedroom, 2 bathroom units that include a kitchen and garage. Community amenities include a central dining room, private dining rooms, wellness center, beauty shop, meeting room, theater, library, game room, swimming pool, and gated courtyard with a terrace.

### **CITIZEN PARTICIPATION**

The applicant's citizen participation plan included an initial mailing to property owners within 500 feet of the property, and neighborhood associations within one mile. The mailing described the project and invited neighbors to a Dec. 7, 2015 meeting at Grace Church. There were approximately 10 neighbors in attendance. In addition to asking questions about the operations and pricing of the facility, neighbors expressed a strong preference for buffering from the project.

Staff requested mailing to neighbors within 1,000 feet. In response, the team sent an April 29<sup>th</sup> mailing inviting neighbors to a second meeting at Grace Church on May 9, 2016. Concerns expressed at that meeting included opposition to proposed street lights on Glencove Ave. and a pedestrian accessway from the project to Glencove Ave. Drainage and traffic were also discussed. Comment sheets from the meetings are included for review.

The required notifications of the P&Z hearing were mailed on May 31, 2016. Staff has not received comments from neighbors regarding the case.

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

*Summary: The proposal meets the five evaluation criteria for compliance with the goals of the General Plan. The proposal lends support to the General Plan's goal for providing diversity of housing in all areas of Mesa, and is consistent with the designated Neighborhoods character type of this area.*

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 if the proposed development is achieving the vision and goals established in this Plan.

1. **Is the proposed development consistent with furthering the intent and direction contained in the General Plan?** ***Staff Answer: Yes. The proposed development is consistent with the goals of the Plan and of the “Neighborhoods” character area. Also the proposal supports General Plan policies relative to locating a variety of dwelling types in different areas of the city and avoiding overconcentration in a particular area.***

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

2. **Is the proposed development consistent with adopted sub-area or neighborhood plans?** ***Staff answer: Yes. The proposed development is consistent with the Desert Uplands sub-area.***

The applicant has provided a preliminary Native Plant Preservation Plan in compliance with requirements of the Desert Uplands.

3. **Is the proposed development consistent with the standards and guidelines established for the applicable character type(s)?** ***Staff answer: Yes. The proposed development complies with the goals of the “Neighborhoods” character type.***

This property is within the “Neighborhoods” character area. The neighborhoods chapter of the General Plan (Chapter 4) lists 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

The proposed development fosters social interaction within the site, but adjacent neighbors have requested a wall separating the site from the neighborhood. Sidewalk and auto access between the site and the commercial to the east encourage connectivity and walkability. Adding senior housing supports diversity, and the design and landscaping of the project will add to neighborhood character and personality.

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 meets the General Plan goals for providing a mix of uses and housing types in this area. The senior housing use transitions well between the existing residential and commercial uses.*

- **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. The proposed design provides direct pedestrian/auto connectivity to the adjacent commercial property, but the neighbors to the north did not desire a connection with this development and, therefore, a screen wall will separate these land uses.*

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

*The proposed development has been reviewed by staff and the Design Review Board. The Board recognized the quality elements of the design and has requested revisions to improve the overall design. Staff believes that the final project will meet a high standard of design, meeting or exceed the quality of development in the surrounding area consistent with the intent of the Desert Uplands concepts.*

- 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;**

*The design provides landscaping and screening as a buffer to the single-residential neighborhood to the north. The proposed transitional senior living facility is a logical land use transition from the commercial uses at the intersection of Ellsworth and Brown Road to the residential area to the north.*

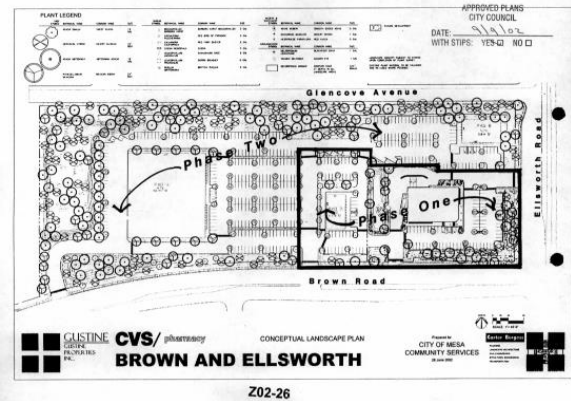
### STAFF ANALYSIS:

**HISTORY:** Except for the piece of residentially zoned land at the west end, this site was previously approved as part of a commercial center. To date, that approved plan has generated a pharmacy to the east of this proposed site. There is also a remaining pad site to the north of the pharmacy to be developed in the future.



The site has 2 existing zoning districts: LC on the east, and RS-43 on the west.

### PREVIOUSLY APPROVED PLAN - Z02-026



The current proposal covers parts of Phases I & II, leaving an undeveloped portion of Phase II just north of the CVS site

**GENERAL PLAN:** This is a residential use, and is appropriate in the “Neighborhoods” General Plan Character area.

**REZONING:** The proposed use could be allowed in the existing commercial district with a Council Use Permit for the independent living portion of the facility, or in a multi-residential district with a Special Use Permit for the memory care portion of the facility. Given that the primary use is actually residential, and that the purpose of allowing residential uses in commercial districts is to create more vibrant commercial areas (such as the approval of the multi-residential portion of Dana Park) the applicant agreed with staff that the most appropriate zoning for this use would be multi-residential. These uses are allowed in the Multi-Residential districts as follows:

	RM (Table 11-5)
<b>Independent Congregate Care Living</b> (classified as Assisted Living)	<b>P</b>
<b>Assisted Living</b>	<b>P</b>
<b>Memory Care</b> (Nursing & Convalescent Homes)	<b>SUP</b>

**P**= Permitted; **SUP**= Special Use Permit required

The RM-2 district allows the 2-story height of the main building. Setback and landscape requirements will be modified through a PAD overlay.

**PAD:** The request for a Planned Area Development (PAD) overlay will provide relief from standards of the RM zoning district. The following table compares required setbacks with the proposed setbacks and landscape information.

FRONTAGE	REQUIRED	PROPOSED	STAFF RECOMMENDATION
Brown Road	20'	<b>15'</b>	Approval
West (building)	30' (15' per story)	30' plus	Exceeds Code
West (landscaping)	20'	20' plus	Exceeds Code
Glencove Avenue	20'	20'	Meets Code
East Property Line	20'	20' plus	Exceeds Code
Landscape Islands	1 island per 8 parking spaces	<b>Alt. design approach</b>	Approval

The Brown Road setback is generally 15', but there are areas within the site plan with greater setback, balancing out the reduction. The entry court does not meet the Ordinance requirement for landscape islands, but the proposed design is an alternative approach that meets the intent, providing a well-landscaped parking & entry area. Staff recommends approval through the PAD.

**SITE PLAN:** Independent Living, Assisted Living and Memory Care are housed in a 2-story building with its entry court to the south, from Brown Road. Three separate, 2-unit casitas, with their own driveways and garages, are located to the east, near the commercial property. Surrounding the main building is a ring road with parking located adjacent to the building on the east, south and west. There is a drainage channel / landscape area that runs along the west property line. Staff believes the applicant has done a good job of developing a site plan that responds well to the constraints of this location.

Staff had some concerns with locating the casita units next to the commercial but, after reviewing the options with the applicant, agreed this is the best location on the site for this use.

Staff would still prefer to see a direct connection, even if just a pedestrian walkway, to the larger neighborhood to the north. However, we understand the neighborhood is opposed to this.

**DESERT UPLANDS:** This site is within Mesa's Desert Uplands Area, therefore a Native Plant Preservation Plan is required. The Desert Uplands Area Design Guidelines 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." Also, the neighbors have requested that street lights not be added to Glencove Ave. in the interest of preserving dark skies. This request conforms to the Desert Uplands standard that local streets are unlit, except for cul-de-sacs.

**SPECIAL USE PERMIT – MEMORY CARE** (categorized in the Zoning Ordinance as “Nursing & Convalescent Homes”): The Zoning Ordinance requires a Special Use Permit (SUP) for the Memory Care element. Special Use Permits are granted, based on the following findings:

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 of 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.

Staff finds that the above criteria have been met with the proposed development.

**SPECIAL USE PERMIT – REDUCED PARKING:** The Special Use Permit application also includes the a request for reduced parking. Per the project narrative “Spectrum Retirement Communities currently operates over 25 assisted living facilities across the United States and has based their anticipated parking requirements on what has been found to be sufficient at their various other locations.” 168 parking spaces are required, per Code. 144 are proposed, which is a reduction of 24 spaces. The following table compares required parking with the applicant’s proposal.

Use	# of units	Required ratio	Required # of spaces	Proposed # of spaces
Memory Care (Identified as “Nursing & Convalescent Homes” in Ord.)	24	1 sp/400 sf	17	
Assisted Living / Independent Living (Identified as “Assisted Living” in Ord.)	149	1 sp/room + 2	151	
Staff/Visitor	-	Included in parking ratios	-	
Totals:	173	-	<b>168</b>	<b>144</b>

Ch. 11-32-7(F) gives the approving body authority to allow a reduction in parking when the applicant can demonstrate that the special group being served will not generate standard levels of parking load. The applicant has justified the request to reduce parking to 86% of the requirement based on their experience with other similar facilities.

**PRELIMINARY PLAT:** The 3 existing parcels will be platted into a single-lot subdivision. The plat will follow the Subdivision Technical Review process, and Final Plat process.

**DEVELOPMENT AGREEMENT:** The City and property owner have agreed to enter into a development agreement that would limit the approved uses on this site to “Assisted Living” and “Nursing & Convalescent Homes” as defined in the Zoning Ordinance. The development agreement will be on the City Council agenda for approval at the same time as the rezoning.

### **CONCLUSIONS:**

The applicant’s request complies with the General Plan. The applicant has accommodated the requests of adjacent neighbors relative to the site design, and has provided a well designed project that will bring different housing opportunities to this area of the City. Staff recommends approval with the following conditions.

#### **Conditions of Approval:**

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan, and building elevations except as otherwise conditioned;
2. Compliance with all requirements of the Subdivision Technical Review Committee;
3. Recordation of cross-access easements between this site and the pharmacy to the east;
4. All street improvements to be installed with the first phase of development;
5. Compliance with all City development codes and regulations;
6. Compliance with all requirements of Design Review approval (DR16-013);
7. Execution of a Development Agreement limiting the uses on the property.