



Planning and Zoning Board

Case Information

CASE NUMBER: Z17-023 (PLN2017-00196)
LOCATION/ADDRESS: 1132 South Oakland Drive
GENERAL VICINITY: Located west of Greenfield Road and north of Southern Avenue
REQUEST: Rezone from OC-PAD to NC-PAD, PAD modification, and Council Use Permit for an in-patient substance abuse treatment facility
PURPOSE: Development of a social service facility
COUNCIL DISTRICT: District 2
OWNER: Craig Cardon; Ben Fatto LP/ Mt Olympus Inv, LLC
APPLICANT: Rod Jarvis / Greg Loper; Earl, Curley & Lagarde
STAFF PLANNER: Tom Ellsworth

SITE DATA

PARCEL NUMBER: 140-48-118A
PARCEL SIZE: 1.2 acres
EXISTING ZONING: Office Commercial (OC) with a PAD overlay
GENERAL PLAN DESIGNATION: Neighborhood Village
CURRENT LAND USE: Office

SITE CONTEXT

NORTH: Office – zoned OC-PAD
EAST: Office – zoned OC-PAD
SOUTH: Undeveloped – zoned OC-PAD
WEST: (across Eastern Canal) Single-Residential – zoned RS-43

ZONING HISTORY/RELATED CASES:

June 18, 1973: Annexed to City, subsequently zoned AG (274-55)
June 17, 1985: Rezoned LC (Z85-67)
Nov. 6, 2000: Rezoned from LC to NC and OC-PAD for the Greenfield Court development (Z00-75)

STAFF RECOMMENDATION: Approval with Conditions
P&Z BOARD DECISION: ☒ Approval with conditions. ☐ Denial
PROP 207 WAIVER: ☒ Signed ☐ Not Signed

PROJECT DESCRIPTION/REQUEST

This request is for a rezoning from Office Commercial (OC) to Neighborhood Commercial (NC), along with a Council Use Permit (CUP) and a modification to the uses allowed on these lots as established in the existing PAD, to allow for an In-Patient Detoxification and Substance Abuse Treatment Facility to occur within an existing medical office building located at 1132 South Oakland. The site area is approximately 1.13 acres in size.

The proposed use is to be located entirely within the existing building on the site. The applicant is not requesting any modifications to the existing building or approved site plan. The building is one-story in height, and is approximately 12,064 square feet in size. The proposal for the now-vacant site and building is for Owner's tenant to provide an upscale, in-patient detoxification and substance abuse treatment facility with 26 – 30 beds. Access into the facility is on the north side of the building. Vehicular access to the site and facility is via an existing driveway from Oakland. There are 41 parking spaces, including 2 handicapped-accessible spaces.

Patients will reside at the facility for the duration of their care and treatment, which is typically from 3 – 5 days for detoxification, and up to 30 days for additional (if needed) detoxification and rehabilitation. During their stay, patients will receive group and individual therapy that includes medical treatment and stabilizations, counseling, group sessions, and various other positive activities. Onsite personnel will be available 24-hours, 7-days-a-week.

NEIGHBORHOOD PARTICIPATION

The applicant has completed a Citizen Participation Plan which included mailing letters to all property owners within 500 feet of the site and homeowner's associations and registered neighborhoods within one mile of the site. The applicant went door-to-door to contact each residential property owner to the west and north of Greenfield Court. The applicant posted the property per requirements and mailed notification letters for the public hearing. In addition, the applicant held a neighborhood meeting on May 10, 2017 at the subject site. Question and comments raised by neighboring property owners revolved around the operational plan for the facility. The applicant has provided a synopsis of the meeting and results of the neighborhood outreach effort in the Citizen Participation Report. To date staff has not received any comments or concerns from neighboring property owners regarding this proposal.

CONFORMANCE WITH THE GENERAL PLAN

Summary: The Mesa 2040 General Plan designates the character type appropriate for this site as Neighborhood Village. The proposal is for the consideration of a rezone to NC to allow the consideration of a CUP to allow an in-patient detoxification and rehabilitation center. The proposed use will occupy an existing building within a group commercial/office development. The applicant is not proposing any changes to the site plan or building elevations. The proposed use is compatible with the medical and professional offices that are located within the center and are not detrimental to the continued development or use of the Greenfield Court development. This proposal is in conformance with the General Plan.

The Mesa 2040 General Plan Character area designation is Neighborhood Village Center. The primary focus of the neighborhoods character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community.

Criteria for review of proposal: The following criteria (Ch. 15 of the General Plan) have been developed for use during the review process to determine whether the proposed development is achieving the

vision and goals established in the General Plan and thus meeting the statute requirements.

1. Is the proposed development consistent with furthering the intent and direction contained in 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.

The site is located within an existing commercial and office development. The applicant is not proposing modifications to the approved site plan or the design of the building. The proposed use is consistent with the surrounding context of professional and medical office buildings. The proposed zoning and Council Use Permit is consistent with the development pattern for the area.

2. Is the proposed development consistent with adopted sub-area or neighborhood plans?

Mesa has not established a neighborhood or sub-area plan for this location.

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

The Character Area map of the Mesa 2040 General Plan defines this location as Neighborhood Village which is defined as follows:

Character Area: Neighborhood Village

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 site is part of an existing commercial/office center and is located within an existing building that meets the design standards from the zoning ordinance and the architectural design standards from the center. The applicant is not proposing any modifications to the site plan or the building on the site. This proposal is consistent with the standards and guidelines for the neighborhood village character type.

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

• **Providing appropriate infill development;**

This proposal will allow the reuse of a vacant building in an existing commercial/office center.

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

This proposal will activate a vacant building within an existing commercial/office center.

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

The intent of the proposal is to provide a needed service in the community. The proposed uses is compatible with the mixture of uses in the Greenfield Court development.

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

The owner/operator of the building will maintain the landscaping on the site to be compatible with the established design guidelines for the center.

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

The existing building, landscaping, and site plan were reviewed and approved by the Design Review Board. The current use on the site will be required to maintain the quality of development that has already been approved on the site as being compatible with the center.

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 existing site plan provides the appropriate transitions and buffers between surrounding uses. The proposed use is compatible with and not detrimental to the surrounding development.

Chapter 3 of The Plan also identifies 5 fundamentals to be considered to help move the City toward the goal of becoming a more complete, recognizable City. The five elements include:

1. High Quality Development
 - *The proposed use fits within an existing building that meets the design standards for the overall center. The site is required to maintain the approved architecture and landscape design for the site.*
2. Changing Demographics
 - *There is an identified need for this type of service within the community regardless of demographics. Appropriate locations for these types of facilities are within existing centers such as Greenfield Court.*
3. Public Health
 - *The purpose of this type of facility is to enhance the overall public health by providing necessary physical, mental, and emotional health services.*
4. Urban Design and Place-Making
 - *The proposed land use is compatible with an established commercial/office development.*
5. Desert Environment
 - *The proposed landscape design is commensurate to the surrounding environment.*

COUNCIL USE PERMIT

Criteria for review of a Council Use Permit (CUP) for a Social Service Facility

There are two related review criteria for allowing a Social Service Facility. One is the general requirements for any CUP and the other is the specific CUP requirements for this particular use.

A CUP 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 meet all of the review criteria, 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.**
One of the focuses of the General Plan is on creating character types and "character of development in different areas". Character types focus on the overall look of an area by combining concepts of land use with building form and intensity. The subject site is within an established Neighborhood Village Center and is consistent with the policies of the General Plan for a rehabilitation facility for substance abuse detoxification and treatment.
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.**
The requested use is consistent with the Mesa General Plan character designation. The area surrounding the site includes a medical and professional offices and a neighborhood scale commercial center. The building and landscaping are complimentary to the adjacent sites and the applicant's operations plan meets with applicable City policies.

3. **The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area of the proposed project or improvements in the neighborhood or to the general welfare of the City.**

The applicant will implement an operational plan that includes Mesa Police Department crime prevention principles including, but not limited to, adequate interior and exterior lighting, video surveillance, a security guard for nighttime hours, and the posting of a No Trespassing sign to discourage individuals, who are not patients or family members, from accessing the site.

4. **Adequate public services, public facilities and public infrastructure are available to serve the proposed project.**

The proposed site is a fully developed facility that is in conformance with all City development codes and regulations.

The additional review criteria for a CUP for a Social Service Facility from Section 11-31-26 D of the Mesa Zoning Ordinance are:

1. **The use is found to be in compliance with the General Plan, Sub Area Plans and other recognized development plans or policies, including the Social Service Facility Guidelines and will be compatible with surrounding uses.**

The proposal for a social service facility at this location is in compliance with the General Plan. The use can operate at this location with minimal impact on the adjacent residential and commercial properties while providing a needed service in the community. The applicant's project narrative provides a complete description of how they have addressed the Social Services Facility Guidelines.

2. **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.**

A plan of operation has been submitted and reviewed. They are providing for security on the property and for the arrival and discharge of patients to prevent people from congregating around the outside of the building. The plan states they have met all building safety and fire code requirements. Prior to obtaining a CofO for the new use, should any code issues be identified that would need to be addressed to be fully compliant with Building Codes, the applicant will make those modifications (see Condition#2).

3. **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. Such policies shall include, but are not limited to, the name and telephone number of the manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures.**

The plan of operation also includes the information on the good neighbor policy. They have committed to site maintenance and to keep the site clean from trash and debris. They will have contact information available and have committed to resolving any complaints.

4. **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.**

Staff has not identified any code issues for this property.

STAFF ANALYSIS

The applicant is requesting a rezone from OC-PAD to NC-PAD to allow an existing building on the site to develop as an in-patient detoxification and substance abuse treatment center. This use is considered a social service facility in the zoning ordinance and is allowed in the NC zoning category with a Council Use Permit.

The proposed site is located on lots 3 and 4 (Lots H and I in case Z00-075) of the Greenfield Court subdivision. Greenfield court was approved as a mixed commercial and office subdivision in November of 2000 (Z00-075). At that time these lots were zoned OC to encourage office development along the private drive towards the west and north sides of the Green Court development and establishing the commercial uses on the arterial corner. At that time a PAD overlay was approved for the entire Greenfield Court development that included design guidelines and use restrictions on certain parcels. The conditions of approval from zoning case Z00-075 restricted the uses of lots 3 and 4 to not allow “nursing and convalescent homes, philanthropic and charitable institutions, residential and out-patient care and rehabilitation centers, and hospices.” This request for rezoning is modifying the previously approved PAD to allow these uses on lots 3-4. All other standards and stipulations of the previously approved PAD for the site would be retained including allowing the development of sites that front on to a private drive and to continue the applicability of the Greenfield Court Design Guidelines on the site.

Chapter 22 of the Zoning Ordinance establishes the criteria for the review and approval of a PAD. The PAD for this property was established with the rezoning in 2000. This requests keeps all of the development standards the same as approved with case Z00-075. One use of a PAD is to limit uses on a property. This provision was used in the original approval to limit some uses that neighbors thought might be detrimental to their area. The proposed rezoning to NC-PAD also includes a modification to the PAD use restricts as they apply to Lots 3 and 4 to now allow all uses allowed in the zoning district (uses previously restricted by case Z00-075 will now be allowed on these two lots). This modification to the PAD allows the applicant to also request the CUP for the substance abuse detox facility. When the zoning was processed in 2000 there was no development on the property and it was difficult to fully evaluate and understand potential impacts. Now that the property has been developed and used for several years it is easier to understand the potential impacts. Given the separation of this property from the neighborhood to the west by the canal, the size and location of the building, and the street system, staff does not see any detrimental impacts from allowing all uses of the NC district on this property.

This request is for a Council Use Permit for a Social Service Facility in the NC zoning district. A 2011 remodel of the building changed the Building Code Occupancy to one which is needed for this type of use (an I-2 occupancy). The records show the work was done and a CofO issued. Given that the building has been vacant for a period of time, and there are specific requirements for the CUP and for Social Service Facilities, having an inspection of the building prior to occupancy would ensure that all code requirements are still being met (see condition #7).

The property is compatible with the surrounding commercial/office development. The applicant has provided a detailed operation plan and “good neighbor policy” narrative. The property is in substantial conformance with current City Development Standards related to landscaping, parking, screen walls and design guidelines. Staff is supportive of this request.

CONCLUSION:

Staff recommends approval of the rezoning of the property to NC-PAD, modification of the PAD, and a Council Use Permit for an in-patient detoxification and substance abuse treatment facility with the following conditions:

CONDITIONS OF APPROVAL:

1. Compliance with the request as described in the revised project narrative, operations plan, good neighbor policy dated June 21, 2017 and as shown on the site and landscape plans except as otherwise conditioned.
2. Compliance with all City development codes and regulations.
3. **Compliance with all requirements approved in zoning case Z00-075 (ordinance #3824), except as modified to remove stipulation 12 d. on Lots H and I (now Lots 3 and 4) to limit uses.**
4. **Landscaping shall comply with the approved site plan. Any dead, dying or missing landscape materials shall be replaced in kind and all landscaping shall be trimmed to maintain natural surveillance.**
5. **Additional signage or changes to existing signage will require the approval and issuance of a sign permit by the Development Services Department.**
6. **Prior to occupancy request a site and building inspection to ensure all building code and zoning ordinance requirements are met.**