

NARRATIVE REZONING AND COUNCIL USE PERMIT

BioLife Plasma Services

**LOCATION: 7538 EAST HAMPTON AVENUE
(PARCEL NUMBER: 218-56-939)**

The proposal is for the following:

Rezoning from Light Industrial (LI) to Limited Commercial (LC) Zoning District and a Council Use Permit for Plasma Center (“Social Service Facility”) in a Limited Commercial (LC) Zoning District.

The purpose of these above two (2) requests will allow a Plasma Center (i.e., BioLife Plasma Services) in the Limited Commercial (“LC”) zoning district. This site is located at 7538 East Hampton Avenue, which we are requesting approval of a rezoning, Council Use Permit (Case number for both requests: ZON17-00593) and design review (Case number: DRB18-00054) for a plasma service building called BioLife Plasma Services on an unimproved 2.2 acre parcel. This property has remained vacant for more than 10-years and the proposed use/building will provide needed tax revenue and a service to the community.

BioLife Plasma Services is an industry leader in the collection of high-quality plasma that is processed into life-saving plasma-based therapies. BioLife Plasma Services operates and maintains numerous state-of-the-art plasma collection facilities in more than half the states throughout the United States - collecting around five million liters of plasma per year. Donors not only contribute the source of life-saving therapeutics, but also contribute to the commercial vitality of their immediate neighborhoods.

Some additional points about BioLife Plasma Services and plasma donations:

- Licensed by the Food and Drug Administration (FDA).
- Plasma-based therapies are used in the treatment of serious conditions such as hemophilia, immune deficiencies and to treat victims of shock and burns. To learn more about the products made from the plasma, please visit www.shire.com
- Donors mirror the demographics of the surrounding community.
 - ✓ Majority come from within a 7-mile radius of the center.
 - ✓ Approximately 86% are either employed, students, retired or homemakers.
 - ✓ All donors must provide proof of residency, ID and be in good general health.
- Use Debit Cards for donor compensation (no cash on site).
- Utilize online appointment scheduling.

The following is a YouTube video link that outlines their business model, their need in a community, their benefit to the community (i.e., medically, etc.), and the virtues of the plasma business today as compared to the past. <https://www.youtube.com/embed/uw9pHyUILs>

Unfortunately, the request for rezoning to LC with a Council Use Permit (“CUP”) is based on Staff’s historical process for handling plasma centers and being classified as a “Social Service Facilities,” which is an old paradigm and not indicative of this user’s business model or the national shift in need for plasma donations. Thus, we are opposed to being defined as a “Social Service Facility” and believe (and argued the same with Staff) that we fall squarely within the definitions and the LI zoning district’s allowed list of uses as described below from within the City of Mesa’s Zoning Ordinance and as such only require a Special Use Permit (SUP).

1. Definition of “Plasma Center,” which defines our client’s use.

Plasma Center: Any facility used in the collection, storage, or distribution of liquid blood plasma. (Chapter 87 of the Zoning Ord.)

2. Definition/Land Use Classification of a “Clinic,” which states “Plasma Centers” are included in this classification for clinics.

Hospitals and Clinics. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees.

Clinics. Facilities other than hospitals where patients are admitted for examinations and treatment by one (1) or more physicians, on either a “walk-in” or “appointment” basis. Patients are treated on an outpatient basis and are not admitted for overnight treatment or observation. **This classification includes** emergency medical services offered exclusively on an out-patient basis, such as urgent care centers, as well as licensed facilities offering substance abuse treatment, blood banks and **plasma centers**. (Chapter 86 of the Zoning Ord.)

3. The LI zoning district’s list of uses, which allows “Clinics” via a SUP with additional “Standards for Specific Uses and Activities” noted in Section 11-31-15 as stated below and would be (are) addressed in the site plan/design review application.

11-31-15: Hospitals and Clinics

Hospitals and Clinics, as described in Section 11-86-3 shall be located, developed, and operated in compliance with the land use regulations in Article 2 and the following standards:

A. Patient Entrances: Patient entrances shall:

1. Be clearly distinctive from the remainder of the building, and be readily visible from the public street;

2. Be identified by directional signage in conformance with requirements of Article 5;
4. Include an extended foundation base to provide a patient drop-off area of a minimum 900 sqft, extending a minimum 20-feet measured perpendicular from the patient entrance door; and
5. Pedestrian connections within parking areas, to other buildings on site, and to the public street and transit shall follow the requirements of Section 11-30-8, Pedestrian Connections and Section 11-32-4(G)3, Pedestrian Access.

With that said, our client and the user wish to proceed forward quickly and not be delayed with city appeals, interpretations, and arguing their point. This is based on their quality business model and building design as well as their success nationally to educate those about the current market for plasma donations and their business model (i.e., BioLife Plasma Services). Moreover, a rezoning to LC makes sense due to the abutting zoning south and east being LC zoned and the area is predominantly retail/office as well as this proposed user being a nice buffer transition between the existing LC and LI (i.e., to the west) zoning districts/uses.

Pursuant to State Law and the City of Mesa Zoning Ordinance, all rezoning request shall be consistent (or in conformance) with the adopted *Mesa 2040 General Plan*. Thus, the *Mesa 2040 General Plan* requires a review of the proposal against the following criteria below.

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

Per the *Mesa 2040 General Plan* the Character area designation for this property is Mixed Use Activity District. Mixed Use Activity District is defined as and its focus is as follows (*emphasis added*):

“Mixed Use Activity Districts – Areas of activity, generally larger than 25 acres that serve the larger community; primarily retail areas and entertainment centers, **but often also include offices**, multiresidential, **and other supporting uses.**

Focus: The Mixed Use Activity Districts are largescale (typically over 25 acres) community and regional activity areas that **usually have a significant retail commercial component** including shopping areas such as malls, power centers, or lifestyle centers that are **designed and developed to attract customers from a large radius.** These districts often include other uses such as office, entertainment and residential.

Big box development (individual retail spaces in excess of 80,000 sq. ft.) is appropriate in these districts. Particularly with redevelopment of shopping centers, these districts may take on a significant residential character, but will still have a mix of uses. **The goal is to help these districts be strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences.”**

The proposal to rezone to the LC zoning district at this location makes sense based on the land use designation of Mixed Use Activity District and its definition. Moreover, this vacant, infill 2.2 acre parcel will knit together the already existing LC zoning to the east and south, which will provide a nice buffer to the LI zoning district to the west. The LC will allow, assuming the CUP is approved, the proposed BioLife Plasma Services building and use will fit nicely and appropriately on this lot as a part of the large retail area, which includes: Costco, CVS, auto-body collision services, retail stores (i.e., inline suites), offices, and residential (i.e., apartments). This also includes the proximity to single-family homes the freeway (U.S. 60) and major arterial street (i.e., Sossaman Road). BioLife Plasma Services operate near major retail centers in order for the donation to be a part of the individual's weekly routine with easy access as well as retaining (i.e., spending) donation dollars in the immediate area/city or, simple put, helping the city's sales tax base. The daily hours of operation will be consistent and compatible with the existing uses in the area (i.e., retail and office) from 8:00 AM to 6:00 PM and will employ approximately 50 people.

The impact on Hampton Avenue and Sossaman Road will be non-existent, because the current LI zoning would allow similar or more intense users, which the streets are built to handle.

Suffice to say, the proposed use of this property is consistent with the guiding principles of the *Mesa 2040 General Plan*.

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

This area is not within any adopted sub-area plan.

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

The *Mesa 2040 General Plan* land use designation is Mixed Use Activity District and said designation encourages the following:

- ✓ “The goal is to help these districts be strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences.”
- ✓ “...often also include offices...and other supporting uses”
- ✓ “...designed and developed to attract customers from a large radius.”

The proposed rezoning to LC continues the above goals of the Mixed Use Activity District and the proposed BioLife Plasma Services will also help towards that end. Their user base captures a 7-mile radius or more; thus drawing people into the area as well as providing diversity/synergy of uses.

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

- **Providing appropriate infill development;**

This site is an infill property within an existing retail/employment area. The proposed site plan is designed to fit nicely into the area as well as the building design (i.e., contemporary medical office) without causing any adverse impacts to its surrounding neighborhoods/area.

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

The unpaved, vacant lot that has been this way for more than 10-years contributes to air quality issues, vagrancy, dumping, etc. and most importantly is non-tax generating for the city (i.e., construction tax and ancillary sales tax). The redevelopment will eliminate the unpaved area and provide a new building that meet, if not exceed, current city development standards.

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

The proposed change to LC allows for the continuation of this district slightly west, but aligning nicely with the LC zoning south (i.e., Costco property). Thus, as a long-term development pattern for the city, this allows for a good sized “zoning area” at the intersection of Hampton Avenue and Sossaman Road for future consolidation and/or redevelopment. Furthermore, as previously stated, this 2.2 acre addition, and ultimate user, provides for the continuation of the intended mix of uses envisioned by the *Mesa 2040 General Plan* land use designation of Mixed Use Activity District.

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

This rezoning request will not make changes to the street connectivity, since they exist today and are adequate to serve the proposed zoning/use. However, the streetscape will be enhanced with street trees and landscaping, which will facilitate pedestrian movement between the existing businesses along Sossaman Road and those interior via Hampton Avenue.

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

The proposed design is a contemporary medical office building look and feel. This will be an 8-million dollar ground-up building. Moreover, the Design Review process will be used to ensure the proposed development meets or exceeds the quality of the surrounding area.

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 proposed LC zoning is consistent with the area and does not abut residential homes requiring transitional elements (i.e., buffers). Thus, the building is designed to function efficiently for their clients and be compatible with the existing users. The proposed site plan shares an existing driveway with an automotive user to the west and is compatible with that building's parking lot/front entrance, since the roll-up garage doors are located on the west side of the building. Again, as previously stated, the LC zoning is a good transitional use and the proposed design/user will help transition the two (2) as well as the existing surrounding uses.

The following discusses the findings for approving our Council Use Permit pursuant to the City of Mesa's Zoning Ordinance.

11-70-6: Council Use Permit

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- E. **Required Findings.** 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 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 Mesa 2040 General Plan and any other applicable City plan and/or policies;**

- **Response:** Per the *Mesa 2040 General Plan* the Character area designation for this property is Mixed Use Activity District. Mixed Use Activity District is defined as and its focus is as follows (*emphasis added*):

“Mixed Use Activity Districts – Areas of activity, generally larger than 25 acres that serve the larger community; primarily retail areas and entertainment centers, **but often also include offices, multiresidential, and other supporting uses.**

Focus: The Mixed Use Activity Districts are largescale (typically over 25 acres) community and regional activity areas that **usually have a significant retail commercial component** including shopping areas such as malls, power centers, or lifestyle centers that are **designed and**

developed to attract customers from a large radius. These districts often include other uses such as office, entertainment and residential.

Big box development (individual retail spaces in excess of 80,000 sq. ft.) is appropriate in these districts. Particularly with redevelopment of shopping centers, these districts may take on a significant residential character, but will still have a mix of uses. **The goal is to help these districts be strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences."**

The proposed BioLife Plasma Services building and use will fit nicely within this infill lot as a part of the large retail area, which includes: Costco, CVS, auto-body collision services, retail stores (i.e., inline suites), offices, and residential (i.e., apartments). This also includes the proximity to single-family homes the freeway (U.S. 60) and major arterial street (i.e., Sossaman Road). BioLife Plasma Services operate near major retail centers in order for the donation to be a part of the individual's weekly routine with easy access. The daily hours of operation will be consistent and compatible with the existing uses in the area (i.e., retail and office) from 8:00 AM to 6:00 PM and will employ approximately 50 people. In addition, the ancillary benefit is that it helps in keeping the tax dollars within the community.

The development of this infill, somewhat challenged visibility, and underutilized vacant lot will be beneficial for the retail users and the City.

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;

- **Response:** The proposed facility is being designed to provide a general medical office type environment as well as additional design amenities. BioLife Plasma Services' building materials will be both durable and have low maintenance requirements with all building sides reflecting continuity in architectural detail and character. All rooftop mechanical systems will have screening integrated into the design. (**Note:** A concurrent Design Review application is in review; case number DRB18-00054) The proposed site plan focuses on creating a pedestrian-oriented environment by providing safe walking routes from the building to the street and surrounding parking lot area. The site plan and overall design will be in accordance with the City of Mesa's Development Standards, Chapter 11-7-3. We look forward to a successful relationship with the City of Mesa Staff and Design Review Board on the design. (**Note:** An Administrative Use Permit [AUP] request will be submitted to allow for additional parking above the required.)

Moreover, the proposed use will fit nicely within the City of Mesa's Zoning Ordinance definition of Limited Commercial (*emphasis added*).

Limited Commercial (LC). To 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. Other typical uses include, but are not limited to, those anchors and large-format retail stores that are typically located within a regional mall, retail outlet, or power center. **Other compatible uses include medical and professional offices, as well as public and semi-public uses.**

Finally, the typical daily hours of operation will be consistent and compatible with the existing uses in the area (i.e., retail and office) from 8:00 AM to 6:00 PM and will employ approximately 50 people.

- 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**

The development of this remnant (infill), underutilized property will provide a needed use, tax dollars (i.e., sales and construction) for this commercial/retail area. Moreover, the proposed use is buffered by a major arterial street (Sossaman Road) and commercial/office type uses, which will blend nicely with a contemporary medical office design. The proposed use and ultimate development will not have any injurious or detrimental effect to the adjacent or surrounding properties in the area; conversely it will provide a benefit.

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

The proposed development will be on a vacant (infill) lot that currently has all the necessary, adequate services along with fully improved streets to afford a quick "plug-in" style of development, which is more sustainable and cost effective for both the developer and the City.

It is clear the findings have been met to allow said use, per the Council Use Permit four (4) requirements.

In addition to the above four (4) conditions, and since Staff defines our use as a “Social Service Facility” which we oppose, we are required to meet the following added criteria for “Social Service Facilities.”

11-70-6: Council Use Permit

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D. **Criteria for Review of Council Use Permit:** When required, the review of the Council Use Permit shall include a review and determination regarding the following items:

- 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; and**

As previously stated for the rezoning and CUP request, the proposed BioLife Plasma Services business meets the intent of the Mixed Use Activity District and will be compatible with the adjacent uses

We have reviewed the ‘Social Service Facilities Guidelines’ and we note that said document is more specific towards shelters or dining facilities. However, we do meet the following:

- ✓ **Operational Guidelines Section V.H. for the requirement of handicapped-accessible restrooms.**

The proposed building will provide more than enough handicapped and regular bathrooms for the proposed use.

- ✓ **Operational Guidelines Section V.J. requires a screened waiting area for people waiting outside for services.**

All services will be conducted indoors with no waiting outside. There will be more than sufficient space (i.e., proposed 15,203 square foot building) for indoor waiting. Moreover, the building will contain a large reception/waiting area, exam rooms, donor area, conference room, lunch room, large plasma storage freezer area, and a supervised play area for children.

- 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; and**

The proposed site/building will be in substantial conformance with current City Development Standards related to landscaping, parking, screen walls and

design guidelines as well as all fire and safety regulations. This will be an 8-million dollar facility built from the ground-up with current codes/regulations applying to said development.

- 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; and**

Since this is a ground-up building and we are currently in the early stages of the city's review/approval process we do not have all the applicable staff, phone numbers, etc. ready to issue. Although again we object to the classification of "Social Service Facility" and the additional criteria, we will provide prior to final Certificate of Occupancy (CofO) a "good neighbor policy" statement to the City of Mesa Development & Sustainability Department's Planning Division. This statement will include; the name and phone number of the senior operations manager, who is responsible for the facility operations, and a procedure for responding to and resolving any complaints directly caused by the proposed plasma donation process (i.e., vagrancy on the property). In addition, the property will be registered with the Mesa Police Department and the developer will apply many of the principles described in the Trespass Enforcement Program (TEP), developed by Mesa Police, including the posting of "No Trespassing" signs on the property.

- 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.**

The proposed design is a contemporary medical office building look and feel. This will be an 8-million dollar ground-up building. The Design Review process will also be used to ensure the proposed development meets or exceeds the quality of the surrounding area.

With that being said, we are pleased to submit the enclosed rezoning/Council Use Permit materials for the proposed BioLife Plasma Services use for your review. In the meantime, if you have any questions regarding this request, please feel free to contact Dennis M. Newcombe, Beus Gilbert PLLC at: (480) 429-3065 or via email: dnewcombe@beusgilbert.com.