

MEMORANDUM

To: Planning & Zoning Board
Through: John Wesley, Planning Director
From: Ryan McCann, Planner 1
Date: October 17, 2018
Subject: Council Use Permit for Social Service Facility; and Special Use Permit for a parking reduction for a substance abuse social service facility. Case #ZON18-00361

During the August 15, 2018 hearing, the applicant requested a continuance for case ZON18-00361 to the September 19, 2018 hearing to allow additional time to address concerns raised by the Board and neighbors. The applicant requested an additional continuance to the October 17, 2018 hearing to continue to address neighborhood concerns. The concern raised by the board and citizens was with the concentration of Social Service Facilities within west Mesa.

A statement was made in the original staff report, with from information provided by the applicant stating, "There are 3 Substance Use Disorder facilities within a 1-mile radius". Staff has reviewed the area and there are no social service facilities in the neighborhood or within one mile of the facility. The nearest Social Service Facility is 1.8± miles away (See attached map). Additionally, there is a pending case for a social service facility located 1.2± miles away. Staff provides the following additional information for Board consideration.

The Board, when reviewing this request, must base their decision on whether the proposed use complies with the four review criteria for the consideration and approval of Council Use Permits outlined in Section 11-70-6 D of the Mesa Zoning Ordinance. Staff has reviewed the proposed use against the criteria, and as explained in the staff report and, in this memo, staff finds that the proposed social service facility complies with the CUP criteria and therefore is recommending approval with conditions.

One of the criteria for a CUP addresses the need to "advance the goals and objectives of and is consistent with policies of the General Plan."

As discussed in the staff report, staff has reviewed the proposed use against the criteria outlined in Chapter 15 of the Mesa 2040 General Plan ("the Plan") and determined the proposed social service facility is consistent with the Plan. The proposed use is in the Neighborhood Suburban General Plan Character. A fundamental objective of the Plan, especially in the neighborhood character area, is to create and maintain a variety of neighborhoods. Included in Chapter 4, Creating and Maintaining a Variety of Great Neighborhoods, is the goal to provide for diversity by providing a variety of housing types, a variety of people and a variety of uses within a neighborhood. There are no social service facilities located within the neighborhood. The proposed social service facility will provide a service that is not offered in the neighborhood and will add to the diversity of the area.

It has been brought to staff's attention that there is a concern that the proposed use may not comply with concentration of uses statement in Chapter 4 of the Plan that states, "*It is also important that we do not*

have an over concentration of uses that require a conditional use permit in neighborhoods.” The concern expressed at the previous meeting is that this area of Mesa already has a lot of uses that are not conducive to maintaining strong neighborhoods and adding this additional use will further exasperate the situation. The intent of this provision is to prevent a concentration of similar types of uses, that require a conditional use permit, from concentrating in a particular neighborhood because it can alter the residential character of the neighborhood.

Conditional permits include both Council Use Permits and Special Use Permits. Council Use Permits (“CUP”) are discretionary permits issued by the City Council. Uses that may require a CUP include, but are not limited to, Social Service Facilities, Private Schools, Wholesale facilities, heliports, towing and impound yards, swap meets, large recycling facilities, and pawn shops. Special Use Permits are discretionary permits issued by the Board of Adjustment or the Planning & Zoning Board (when requested in conjunction with another request). Uses that may require a SUP include, but are not limited to, commercial businesses located within residential districts, assisted living facilities, small animal day cares, kennels, automobile/ vehicle washing/ service stations, live/work units, and outdoor entertainment or activities.

Staffs’ research shows there are seven (7) properties with a Council Use Permit within 1-mile of the proposed facility. The Council Use Permits are for:

- a recycling facility in the LI district,
- expansion of an existing recycling center in the GI district,
- recycling center in the GI district,
- private school expansion in T4N zoning district,
- charter school in DC-downtown core (note: this CUP is no longer required),
- medical training and development building in the PEP district, and
- to exceed the residential density maximum and commercial floor area requirements for a development in the NC & RM-4 districts.

There are no conditional use permits for another social service facility within a mile of this location. Staff did not have any concentration concerns when it reviewed the CUPs for these 7 uses and does not have a concern with approving another CUP, especially for a use that is different from the other approved CUPs. Staff, when reviewing a request for a CUP or SUP, does not typically review all the conditional use permits within a 1-mile radius (unless there is a specific requirement that a use cannot be located within a specific distance of another use). Staff will however review if there are a concentration of similar uses, especially within a neighborhood because clustering of similar uses may affect the residential character of a neighborhood. There are other uses within the area that have received a SUP. Staff does not believe these uses have any bearing on this case. As indicated above, there is no social service facility within 1-mile of the site therefore staff does not believe the proposed use will cause a clustering or overconcentration problem in the neighborhood.

Due to the variety of types of conditional use permits and the spacing of these uses, Staff does not believe these seven CUPs create a concentration of uses that are incompatible and detrimental to the surrounding neighborhood. More specifically, there are no uses along Extension between University and Main Street that require a conditional use permit.

Additionally, the concentration of uses is only one component of the Plan. Staff in reviewing all the policies in the Plan, including but not limited to the need to providing a diversity of housing types, finds on balance that the proposed use complies with Plan.

It has also been brought to staff's attention that there are concerns with the applicant's request because there are other similar uses, uses that do not require a conditional use permit, in the area that are either operating without a license or without the appropriate permits/permissions. Also, during the previous meeting, a discussion was brought up regarding the concentration of group homes for the handicapped in the area. Regarding similar uses, there are no spacing requirements in the Zoning Ordinance between social service facilities and other uses and, as discussed above, the General Plan analysis of concentration of uses only applies to uses requiring a conditional use permit. With regards to group homes for the handicapped, these homes do not require a conditional use permit if there are 10 or fewer people residing in the home. Staff researched this area as well as throughout the city and the concentration of group homes for the handicapped in this area appears to be very similar to that found across the city. There is no clustering unique to this area of the City.

Staff finds the proposed location of the social service complies with review criteria. Staff also encourages this type of site for facilities that provide services and treatment for people. It is located on a collector street with multi-residential and commercial uses around it, and is residential in nature. This type of site is preferred over a small single residential home site that is located in the middle of a neighborhood.

Based on this additional research and the information in the staff report, staff is recommending approval of case ZON18-00361 with conditions as provided in the staff report.

Conditions of Approval:

1. Compliance with the basic development as described in the Council Use Permit project narrative, dated July 30, 2018, which includes the plan of operation and good neighbor policy.
2. Conformance with the site plan, landscape plan and elevations approved in case Z96-073.