



## Planning and Zoning Board

### *Staff Report*

**CASE NUMBER:** ZON18-00576  
**LOCATION/ADDRESS:** Within the 6700 block of East Albany Street (south side), the 6700 block of East Akron Street (north side) and the 100 block of North Power Road (west side).  
**GENERAL VICINITY:** Located on the west side of Power Road north of Main Street.  
**REQUEST:** Site Plan Review, Special Use Permit to allow an assisted living facility and a Special Use Permit for reduction in parking for an assisted living facility.  
**PURPOSE:** This request will allow for the development of an assisted living facility.  
**COUNCIL DISTRICT:** District 2  
**OWNER:** Olivia Jurkiewicz  
**APPLICANT:** Joseph Jurkiewicz  
**STAFF PLANNER:** Veronica Gonzalez

### SITE DATA

**PARCEL NO.:** 141-58-189B  
**PARCEL SIZE:** 1.22± acres  
**EXISTING ZONING:** OC  
**GENERAL PLAN CHARACTER:** Neighborhood Suburban  
**CURRENT LAND USE:** Vacant

### SITE CONTEXT

**NORTH:** (Across Albany Street) Vacant – Zoned OC  
**EAST:** (Across Power Road) Existing manufactured home park – Zoned RM-4  
**SOUTH:** (Across Avalon Street) Existing commercial – Zoned Maricopa County C-2  
**WEST:** Existing residential – Zoned Maricopa County R1-8

**STAFF RECOMMENDATION:** Approval with conditions

**P&Z BOARD RECOMMENDATION:** ☒ Approval with conditions. ☐ Denial

**PROPOSITION 207 WAIVER SIGNED:** ☒ Yes ☐ No

### **HISTORY/RELATED CASES**

**September 25, 2003:** Annexed to the City (Ord. #4094)  
**December 15, 2003:** Establishment of City OC zoning and required review by P&Z and City Council of future development plans (Z03-055; Ord. #4136)  
**June 25, 2007:** Site Plan Review for an office building (Z07-046, Ord. #4719)

### **PROJECT DESCRIPTION / REQUEST**

This request is for Site Plan Review, a Special Use Permit for reduced parking and a Special Use Permit for an assisted living facility. The proposed assisted living facility is approximately 23,492 square feet and will consist of 39 units. Residents of the facility do not require the full services of a nursing home, but still need assistance with daily living activities. The project site is currently undeveloped and is generally located north of Main Street, on the west side of Power Road.

### **NEIGHBORHOOD PARTICIPATION:**

The applicant has completed a Citizen Participation Process, which included a mailed letter to property owners within 1,000' of the site, as well as HOAs and registered neighborhoods within a mile. At the time that this report was written, staff had not been contacted by any residents or property owners in the area. However, one property owner and one property owner's representative did attend the September 11 Design Review Board work session on this project. The concerns from these individuals pertained to:

- Fire Department access
- Parking
- Dirt, debris and access during construction

The applicant will be providing a Citizen Participation Report prior to the October 17 study session. An update will be provided by staff at that Planning and Zoning Board Study Session.

### **STAFF ANALYSIS**

#### **MESA 2040 GENERAL PLAN:**

The General Plan character area for this site is Neighborhood Suburban. Staff has reviewed the proposal and found that it is consistent with the criteria for review as outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. The proposal is consistent with the concept of commercial uses along arterial frontages in the Neighborhood Suburban character area. The proposal will also provide appropriate infill development and bring a mix of uses that will transition well between the existing residential and commercial uses.

#### **ZONING:**

Upon annexation into the City limits in 2003, OC zoning was established on the subject site. The proposed assisted living facility is a permitted use in the OC zoning district with approval of a Special Use Permit.

#### **SITE PLAN - MZO Section 11-69-5:**

The applicant proposes to construct a 23,492 square foot, 39 unit assisted living facility on approximately 1.22 acres. The site plan positions the building along the west side of the lot with parking along the Power Road frontage. The applicant proposes this particular layout to address concerns from the adjacent residential neighborhood regarding traffic from this use on Albany and Akron Streets, by concentrating traffic movements on Power Road.

As shown in the table below, the site plan does not meet the minimum setback requirement along Power Road when an additional 10' right-of-way dedication is applied. To address this issue, approval of a Development Incentive Permit (DIP) through the Board of Adjustment is necessary (condition #4). Staff is supportive of the DIP request due to the hardship the additional right-of-way dedication imposes on the site.

<b>Development Standards – MZO Table 11-6-3A</b>	<b>Required</b>	<b>Proposed</b>
Maximum Building Height	30'	28'
Setbacks:		
North (Albany Street)	20'	20'
South (Akron Street)	20'	20'
South (adjacent to existing OC)	15'	15'
East (Power Road)	15'	5'*
East (adjacent to existing OC)	15'	15'
West (adjacent to County R1-8)	25'	25'+
<b>Development Standard – MZO Table 11-32-3.A</b>	<b>Required</b>	<b>Proposed</b>
Parking	41	19**
*The applicant is requesting a DIP through the Board of Adjustment.		
**Request includes consideration of a Special Use Permit for reduced parking.		

The proposed site plan meets the review criteria per section 11-69-5 of the MZO as the project is consistent with the General Plan and compatible with neighboring development. The proposed assisted living facility also provides suitable development for a by-passed parcel on a major arterial.

#### **SPECIAL USE PERMIT: PARKING REDUCTIONS – MZO Section 11-32-6:**

The applicant is requesting a Special Use Permit (SUP) for a reduction in the number of required parking spaces for an assisted living facility. The SUP for reduced parking is only for an assisted living facility at this location. Any other uses will have to apply for and receive a parking reduction if needed. The parking requirement for assisted living facilities is calculated at one space for each room plus two additional spaces for the development. Therefore, the minimum number of parking spaces required for this project is 41 while 19 parking spaces, 46% of the minimum required, are provided.

As justification for the requested parking reduction, the applicant states the on-site parking will only serve staff and visitors. Based on the owner's experience operating this type of use, the 19 parking spaces will adequately serve the facility. The facility will be staffed with five staff members and one manager during two of the three shifts. The overnight shift includes just three staff members. Visiting hours are 8:00 am – 8:00 pm daily. At peak visiting hours in the evening and during the weekends, the facility is expected to have up to 12 visitors. During major holidays, the number of visitors could increase to 15. However, the applicant has indicated to staff that during major holidays extended stays by visitors are not typical as they are picking up residents to be taken to another location. In cases where a visitor does stay on site, they typically do not stay longer than one to two hours. Additional justification for reduced parking includes residents of the facility will not have personal vehicles, shuttle service will be available to residents and no overnight guests will be permitted.

Parking data was collected at three existing assisted living facilities in Mesa and it was found the amount of on-site parking provided was within a range of 44-54% of parking requirements for an assisted living facility.

On-street parking is available on Albany and Akron Streets for overflow parking. However, staff is concerned about any potential impacts this may have on the adjacent residential neighborhood. As a result, the applicant will submit for Planning Director review and acceptance a “good neighbor policy” that will provide the name and telephone number of the manager or person responsible for the operation of the facility and parking complaint response procedures that include remedial action and follow up (condition #6). In addition to on-street parking, the applicant may provide off-site parking with approval by the Zoning Administrator.

MZO 11-32-6A outlines criteria for approval of a SUP for reduced parking. The criteria are as follows:

CRITERIA	FINDINGS
1. Special conditions – including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site – exist that will reduce parking demand at the site;	Special conditions that will reduce the parking demand include: <ul style="list-style-type: none"> <li>Residents of the facility will not have personal vehicles.</li> <li>Residents will be provided shuttle service.</li> <li>Parking will only serve staff and visitors.</li> <li>A bus rapid transit (BRT) stop is available on Power Road, less than ¼ mile from the site.</li> </ul>
2. The use will adequately be served by the proposed parking;	Based on the information provided by the applicant, the 19 parking spaces are provided solely for staff and visitors of the facility as residents will not have personal vehicles. On-street parking is available on both Albany and Akron Streets, but may have potential impacts on the existing County residents. Therefore, the applicant will be required to submit for Planning Director review and acceptance a “good neighbor policy” that will provide the name and telephone number of the manager or person responsible for the operation of the facility and parking complaint response procedures that include remedial action and follow up.
3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.	On-street parking is available on Albany and Akron Streets. On-street parking is not available on Power Road.

The applicant has demonstrated compliance with the review criteria as well as sufficient justification for reduced parking.

**SPECIAL USE PERMIT: ASSISTED LIVING FACILITY – MZO Section 11-70-5:**

The MZO requires a SUP for assisted living facilities in the OC district. A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all the required findings. The findings for a SUP are as follows:

<b>Assisted Living Required Findings</b>	<b>Finding</b>
1. The proposed development is consistent with the policies of the General Plan and advances the goals and objectives therein;	Approval of the proposed project will advance the goals and objectives of the General Plan by providing a variety of housing options in this area.
2. The location, size, design, and operating characteristics are consistent with the purposes of the district where the project is located and conforms with the General Plan and other applicable City plans and policies;	The proposal is for a 23,492 square foot building that will fit well in this commercial setting adjacent to a residential neighborhood. The proposed building is 28' tall at its highest point and at least 25' from the adjacent residential neighborhood. The proposed development is consistent with the Neighborhood Suburban characteristics.
3. It will not be injurious or detrimental to the adjacent or surrounding properties in the area nor will it be injurious or detrimental to the neighborhood or to the general welfare of the City; and	This is a fairly low intensity use that will not negatively impact the surrounding uses.
4. There are public services, public facilities and public infrastructure available to serve the proposed project.	The proposed development is surrounded by existing public services, public facilities and public infrastructure that are available to serve the proposed project.

**CONCLUSION:**

The proposed project complies with the General Plan, the criteria for a SUP for parking reduction and an assisted living facility and meets all review criteria for Site Plan Review from Chapter 69 of the Zoning Ordinance (Section 11-69-5). Staff recommends approval with the following conditions:

**CONDITIONS OF APPROVAL:**

1. Compliance with the basic development as described on the preliminary elevations, preliminary landscape plans and as shown on the site plan (without guarantee of lot coverage).
2. Prior to submittal for a building permit, submit for review and acceptance by the Planning Director a revised site plan that has relocated the proposed light standards out of parking lot landscape islands.
3. Compliance with all requirements of Design Review.
4. Approval of a Development Incentive Permit (DIP) by the Board of Adjustment.
5. Compliance with all City development codes and regulations.
6. Approval of the Special Use Permit for reduced parking is conditioned upon the following:
  - a. Compliance with the operation plan as outlined in the parking demand report.
  - b. Prior to submittal of a building permit, submit a good neighbor policy for review and acceptance by the Planning Director that includes the following items:

- i. The name and telephone number of the manager or person responsible for the operation of the facility.
- ii. Parking complaint response procedures that include remedial action and follow up.