



PLANNING DIVISION
STAFF REPORT

Planning and Zoning Board

May 22, 2019

CASE No.: **ZON18-00891**

PROJECT NAME: **Alpha Creations**

Owner's Name:	PDE Investments, LLC
Applicant's Name:	Matthew Rettig
Location of Request:	535 West Baseline Road
Parcel No(s):	302-04-008P
Request:	Rezone from Neighborhood Commercial (NC) to Light Industrial (LI)
Existing Zoning District:	Neighborhood Commercial (NC)
Council District:	3
Site Size:	1.4± acres
Proposed Use(s):	Development of an industrial use.
Existing Use(s):	General retail uses
Hearing Date(s):	May 22, 2019 / 4:00 p.m.
Staff Planner:	Evan Balmer, AICP
Staff Recommendation:	APPROVAL with 3 Conditions
Planning and Zoning Board Recommendation: Approval with conditions	
Proposition 207 Waiver Signed: Yes	

HISTORY

On **August 25, 1986**, the City Council approved to rezone the property from Single Residence with a Planned Area Development Overlay (RS-PAD) to Neighborhood Commercial (NC).

On **March 21, 2005**, the City Council approved a Site Plan for the property that approved the current building and site layout.

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the property from Neighborhood Commercial (NC) to Light Industrial to accommodate a potential medical marijuana dispensary use. According to the applicant, the dispensary would be relocating from its current location on Vineyard, which is approximately 800 feet southeast of the subject property and not an introduction of an additional facility to the area. Although the subject request is to rezone the property to the LI district, the property owner has agreed to enter into a Development Agreement with the City to restrict typical uses permitted in the LI zone, except medical marijuana dispensary facility. All other uses on the property will be those allowed in the current NC district designation on the property. Section 11-31-34-A-4 of the Mesa Zoning Ordinance (MZO) requires medical marijuana dispensaries to be located 1,200 feet from public parks located in the Light Industrial (LI) or General Industrial (GI) zoning districts. The majority of the subject property is within 1,200 feet radius of a public park. As such, only a portion of the property can potentially be used for a medical dispensary facility. In addition, Section 11-31-34-A-2 of the MZO also requires a minimum separation distance of 5,280 feet between medical marijuana dispensary facilities. Therefore, only one dispensary facility can be located either on the subject property or at the current location of the existing facility on Vineyard Road. The applicant is not proposing any changes to the previously approved building elevations or site plan.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the site is Employment. Per Chapter 7 of the General Plan, the Employment area character designation is for employment-type uses and typically have minimal connections to the surrounding areas. Examples of uses in the district are large manufacturing facilities, warehousing, business parks, etc. Supporting retail and office uses may be included in the district. Overall, the goal of the Employment character area is to provide a wide range of employment opportunities in high quality settings. Currently, the property abuts residential uses to the south and a proposed medical office development to the west. The location of the property adjacent to residential uses and offices conforms to supporting retail and office uses that could be allowed in the Employment character area designation on the property. In addition, the property is located at the edge of the Employment character area designation where lower intensity uses, such as neighborhood scale commercial uses can be located to serve as a buffer between more intense industrial uses and surrounding residential uses.

Because of the proposed development agreement to restrict likely incompatible uses allowed in the LI zone district, rezoning of the property to allow a medical marijuana dispensary and general uses allowed in the NC district will conform to the Employment character area designation on the property and the surrounding developments in the area. Staff reviewed the request and determined it is consistent with the criteria for review outlined in Chapter 15 (pg. 15-1&2) of the Mesa 2040 General Plan.

Zoning District Designations:

The applicant is requesting to rezone the property to allow the possibility of a medical marijuana dispensary facility on the site. Per Section 11-7-2 of the MZO, medical marijuana dispensaries are

only permitted in the LI and GI zoning districts. In addition to the medical marijuana uses, there are a number of other more intense uses, such as auto repair and manufacturing uses, that could be allowed in the LI zone. Staff reviewed the initial request and determined allowing an LI designation on the property with potential high intensity uses will be incompatible to the adjacent residential zoning designation and neighborhood to the south of the property. However, after further review with the applicant, the applicant agreed to enter into a development agreement to prohibit all typical uses in the LI district, except those allowed in the current NC designation and medical marijuana dispensary facility. The applicant also informed staff that there has not been any major concern from the neighboring property owners for the intent to use a section of the property as a marijuana dispensary facility. With the development agreement to restrict uses on the property and the required separation distance between marijuana dispensary facilities, rezoning of the property to LI will not be incompatible to the surrounding area and zoning districts.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Baseline Road) LI Office Park	North (Across Baseline Road) LI Office Park	Northeast (Across Baseline Road) LI Medical Office
West NC Medical Office	Subject Property NC Multi-tenant Commercial	East LI Commercial
Southwest RS-6 Residential	South RS-6 Residential	Southeast LI Commercial

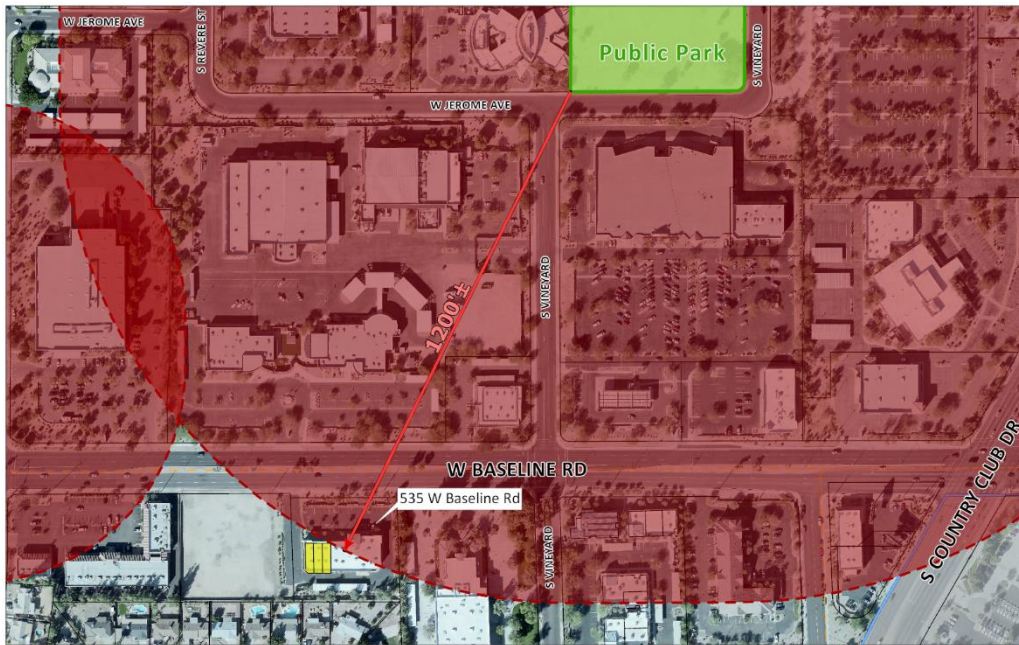
Compatibility with Surrounding Land Uses:

The property to the south of the subject property is zoned RS-6 and developed as a single-family residential neighborhood. The property to the east is zoned LI and developed as an employment park. According to City records, the City approved the zoning designation in 1975. The properties to the north, across Baseline Road, are zoned LI and currently used as medical offices. The property to west of the subject property is zoned NC and currently being developed as a medical office.

In addition to the zoning designations, Section 11-31-34 of the Mesa Zoning Ordinance requires additional standards for medical marijuana facilities including distance separations from other land uses. Section 11-31-34-A-4 requires a distance of 1,200 feet between medical marijuana dispensaries and public parks in the LI or GI districts. As shown in Figure 1 below, the majority of the site is within 1,200 feet from a park located on Jerome Avenue to the north and only three suites at the east end of the building can be potentially used as marijuana dispensary facility. Section 11-31-34-A-2 of the MZO also requires a minimum separation distance of 5,280 feet between similar uses, which prohibits concentration of such uses in an area of the City. Further, per Section 11-31-34 (E) of the MZO, all medical marijuana dispensary, cultivation facilities and infusion facilities locations are required to be registered with the City's Planning Division. Approval of such registration shall be dependent on conforming to all requirements of Section

11-31-34 of the MZO, including minimum distance separation requirements. Obtaining a Limited Industrial zoning designation does not authorize a medical marijuana facility use on a property, unless the facility can conform to all performance standard requirements, as outlined in Section 11-31-34 of the MZO.

Figure 1:



Neighborhood Participation Plan and Public Comments:

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 1,000' of the site, as well as HOAs and registered neighborhoods within a mile radius of the site. The applicant held two neighborhood meetings on February 23, 2019 and March 9, 2019 at the Holiday Inn & Suites at 1600 S. Country Club Drive, which is located within ½ mile of the site. The sign in sheets and meeting minutes are provided in the applicant's Citizen Participation Report. Below is the summary of comments and concerns expressed at the neighborhood meetings:

- Can the property be rezoned to a less intense zoning designation?
- Can the existing wall on the south side of the property be raised from 6' to 8'?
- Current tenants of the building are using temporary signage.
- If the rezoning is granted, what security measures would be implemented at the dispensary?
- One resident expressed his opinion that the availability of medical marijuana dispensaries is important for residents with medical needs.
- Dispensary hours of operation

As of writing this report, staff has spoken to one resident who initially expressed concerns with the potential use of marijuana dispensary on the property. However, after informing him of the applicant intent to relocate the existing facility on Vineyard and potential development agreement to restricts uses on the property, he seemed less concerned about the request.

Staff Recommendations:

The subject request with associated development agreement to restrict certain land uses on the property is consistent with the General Plan; therefore, staff recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with all City development codes and regulations.
2. Execute a development agreement, as approved by City Council, to restrict certain land uses on the property
3. Landscaping shall comply with the landscape plan approved with zoning case Z05-020. Any dead, dying or missing landscape materials shall be replaced in kind and all landscaping shall be trimmed to maintain natural surveillance.