



PLANNING DIVISION
STAFF REPORT

Planning and Zoning Board

November 13, 2019

CASE No.: **ZON18-01016**

PROJECT NAME: **Mint Dispensary Expansion**

Owner's Name:	RMEG Investments, LLC
Applicant's Name:	Joshua Oehler, Arc One Associates
Location of Request:	330 East Southern Avenue (north side)
Parcel No(s):	139-31-056, 139-31-057A and 139-31-058B
Request:	Site Plan Review. This request will allow for the expansion of an existing industrial development.
Existing Zoning District:	Light Industrial (LI)
Council District:	4
Site Size:	1.4 ± acres
Proposed Use(s):	Medical Marijuana Facility
Existing Use(s):	Medical Marijuana Facility
Hearing Date(s):	November 13, 2019 / 4:00 p.m.
Staff Planner:	Veronica Gonzalez
Staff Recommendation:	APPROVAL with conditions

HISTORY

On **August 15, 1977**, the City Council approved to rezone 7.6 acres of property from Limited Commercial (LC) to Light Industrial (LI) to allow the development of an industrial subdivision (Z77-029) on the property. The subject property and associated existing buildings were part of the approved subdivision. According to the City of Mesa records, the existing building on the site was constructed in the 1980's.

On **March 9, 2017**, suite 37 of the existing 2,704 square foot building with the address of 330 East Southern Avenue was registered as a medical marijuana dispensary.

PROJECT DESCRIPTION

Background

The subject request is to allow the expansion of an existing medical marijuana facility on the property. Currently, there is an approved site plan and use to operate a medical marijuana dispensary facility in approximately 1,232 square feet of the 2,704 square foot building on the southwest corner of the property. The subject request is to expand the size of the building currently from 2,704 to 8,004 square feet. Of the additional 5,300 square footage, 4,689 square feet will solely be used as a medical marijuana dispensary and infusion facility. The submitted site plan also shows an existing 8,185 square foot building on the property. This building is located at northwestern section of the property. The site plan also shows the proposed construction of 6,400 additional square feet to the building on the northern section of the property. From the site plan, this proposed 14,585 square foot building will be used as a medical marijuana cultivation facility. Overall, the site plan shows 47 parking spaces on the property. The parking spaces conform to the City's required number of parking spaces for the facility. It is important to note this request is only for site plan review. A separate application for administrative review to determine compliance with Section 11-31-34 of the Mesa Zoning Ordinance (MZO) for medical marijuana facilities is required (see Condition #5).

General Plan Character Area Designation and Goals

Per the City's General Plan character designation map, the property is located in the City's Employment character area designation. Specifically, the property is within the Industrial category of the Employment character area. Per Chapter 7 of the General Plan, the primary focus of the Employment District is to provide high quality employment-type land uses. Light industrial and manufacturing operations are typical land uses allowed within the Employment character area. The proposed industrial use of the property conforms to the goals of the Employment character area designation.

Staff reviewed the request and determined the proposed site plan and use of the property is consistent with the criteria for review of development outlined in Chapter 15 (pgs. 15-1 and 15-2) of the Mesa 2040 General Plan.

Zoning District Designations:

The site is zoned Light Industrial (LI). Per Section 11-7-2 of the City of Mesa Zoning Ordinance (MZO), medical marijuana facilities are permitted in the LI zoning district. Additional requirements pertaining to medical marijuana dispensaries, cultivation, and infusion are outlined in Section 11-31-34 of the MZO. An administrative permit review is required to register the location and proposed uses on the property in accordance with section 11-31-34 of the MZO. This section requires all medical marijuana dispensaries, cultivation facilities, and infusion facilities, including all accessory cultivation facilities, to register the location with the Planning Division. This registration shall be required prior to issuance of a license to operate the new uses on property.

Site Plan and General Site Development Standards:

The request conforms to the review criteria for site plan review outlined in Section 11-69-5 of the MZO. The site is approximately 1.4± acres and is developed with three existing industrial

buildings. According City of Mesa records, the site was developed in the early 1980's. Per Section 11-36-1 of the MZO, the site is considered as a legal non-conforming use as it does not conform to all of the requirements for landscaping outlined in Section 11-33 of the MZO.

Per section 11-73 of the MZO, a Substantial Conformance Improvement Permit (SCIP) shall be required for the expansion of the existing buildings, unless the site is developed to fully conform to all of the City's current development standards. According to the applicant, the parking areas on the site will be reconfigured to accommodate closure of two driveways located on the west side of the site. The site plan also shows construction of 47 parking spaces to comply with the required number of parking spaces for the use of the property. The proposed buildings conform to the required setback and dimensions for development in the LI zoning district. The request also conforms to the review criteria outlined in Section 11-69-5 of the MZO for site plan review.

Substantial Conformance Improvement Permit (SCIP):

In accordance with Section 11-73 of the Mesa Zoning Ordinance, a SCIP is required for the proposed development of the site. This is due to noncompliance with certain current landscape requirements, landscape setbacks, parking lot landscaping islands, and landscape foundation base requirements. Per Section 11-73-1 of the MZO, the purpose of a SCIP is to recognize existing site constraints and work proportionately with the degree of improvement being sought by the applicant to improve the property based upon the development standards of the Mesa Zoning Ordinance. As part of the subject request, the applicant has also applied for the SCIP. Staff is currently reviewing the SCIP application and will schedule the application for the Board of Adjustment consideration following the site plan review and action by the Planning and Zoning Board.

Design Review:

On February 12, 2019, the Design Review Board reviewed the elevation and landscape plans for the development and recommended certain improvements to the building facade and landscape design. Staff is working with the applicant to incorporate the recommended changes to their proposed building and landscape designs.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Wilbur) LI Existing Industrial	North LI Existing Industrial	Northeast LI Existing Industrial
West (Across Wilbur) LI Existing Industrial	Subject Property LI Industrial	East LI and LC Existing Industrial and Retail
Southwest (Across Southern Avenue) LC Existing Retail	South (Across Southern Avenue) LC Existing Retail	Southeast (Across Southern Avenue and Mesa Drive) LC Existing Park

Compatibility with Surrounding Land Uses:

The majority of the properties surrounding the subject site are developed for industrial uses. The proposed development will not be out of character with the surrounding area and existing land uses.

Neighborhood Participation Plan and Public Comments

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 1,000-feet of the site, as well as HOAs within ½ mile and registered neighborhoods within 1 mile of the site.

The applicant also held a neighborhood meeting on July 2, 2019. According to the applicant, two residents attended the meeting and asked the following questions:

- Question: How big are the size of the proposed buildings?
Answer: The buildings will remain single story. The retail building (dispensary) will add 750 square feet, the cultivation center will be a total of 14,000 square feet, and the infusion facility will be approximately 4,500 square feet.
- Question: How will the proposed addition impact parking spaces on the property?
Answer: Parking spaces will be reconfigured, and additional spaces added to the site to conform with City code requirements.
- Question: What will be the design of the buildings?
Answer: Two buildings will be updated with textures and tones to improve the aesthetic appeal of the buildings.

According to the applicant, the residents had no objection to the proposed development. As of writing this report, neither the applicant nor staff has received any comments/concerns from surrounding property owners. Staff will provide the Board with any new or additional information during the scheduled study session.

Staff Recommendations:

The subject request is consistent with the General Plan and meets the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO; therefore, staff recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan submitted.
2. Compliance with all City development codes and regulations.
3. Prior to application for a building permit, receive Design Review approval for building and landscape design.
4. Prior to application for a building permit, receive approval for a Substantial Conformance Improvement Permit from the Board of Adjustment to address existing non-conformities on the site, or bring all non-conformities on the site into compliance with current City development standards.
5. Prior to the issuance of a Certificate of Occupancy for either building, apply for and receive an Administrative permit to allow medical marijuana facilities from the City of Mesa in accordance with Section 11-31-34 of the Mesa Zoning Ordinance.