



**PLANNING DIVISION
STAFF REPORT**

Planning and Zoning Board

August 9, 2023

CASE No.: ZON23-00222	PROJECT NAME: Brightpath Child Care
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Owner's Name:	Makana LP
Applicant's Name:	Sean Lake, Pew and Lake, PLC
Location of Request:	Within the 1200 block of North Val Vista Drive (west side) and within the 3500 block of East Brown Road (north side). Located west of Val Vista Drive and north of Brown Road.
Parcel No(s):	141-13-006G and 141-13-006B
Request:	Rezone from Office Commercial with Bonus Intensity Zone (OC-BIZ) overlay to Office Commercial (OC) and Major Site Plan Modification. This request will allow for the development of a daycare center.
Existing Zoning District:	Office Commercial with Bonus Intensity Zone (OC-BIZ) overlay
Council District:	1
Site Size:	1.2± acres
Proposed Use(s):	Daycare Center
Existing Use(s):	Farm Stand
P&Z Hearing Date(s):	August 9, 2023 / 4:00 p.m.
Staff Planner:	Emily Johnson, Planner I
Staff Recommendation:	APPROVAL with conditions

HISTORY

On **September 24, 1979**, the City Council annexed approximately 2,225± acres of property into the City of Mesa and established Agricultural (AG) zoning on 718± acres of land including the project site (Case No. Z80-018, Ord. No. 1313).

On **October 13, 1992**, the Board of Adjustment approved a request for a Special Use Permit to allow a farm stand on the project site (Case No. BA92-034).

On **October 19, 2020**, the City Council rezoned the project site, from AG to OC-BIZ, and approved a site plan to allow for the development of a medical and professional office building and use (Case No. ZON20-00377, Ord. No. 5588).

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the project site from Office Commercial with a Bonus Intensity Zone (OC-BIZ) overlay to Office Commercial (OC) and approval of a Major Site Plan Modification to allow for the development of a daycare center (Proposed Project).

The Proposed Project is located at the northwest corner of Brown Road and Val Vista Drive and has direct frontage on Val Vista Drive. Currently the site consists of two smaller parcels and an existing citrus stand structure that are located adjacent to the Living Word Bible Church to the north and east of the subject site. The existing citrus stand will be demolished to make way for the Proposed Project.

The Proposed Project consists of one two-story, child daycare center serving ages three months to school age. The building will have 14 classrooms and is licensed for a maximum of 240 children.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood with a Citrus Sub-type. Per Chapter 7 of the Plan, the goal of the Neighborhood character designation is to provide safe places for people to live, feel secure and enjoy their surrounding community. Neighborhoods can contain a wide range of housing options and often have associated nonresidential uses such as schools, parks, places of worship, and local serving businesses.

Citrus Sub-Area:

The site is also within the Citrus Sub Area, which is one of the areas of Mesa identified with a specific unique character and history and is planned to continue to develop as a single residence district with office development considered as compatible in the sub-area.

The Citrus Sub-Area Plan was developed by the Citrus Area Homeowners to serve as a guide to achieve their vision of the area. The vision in the Citrus Sub-Area Plan was endorsed by the City Council, but the Citrus Sub-Area Plan makes clear that its provisions are “purely advisory in nature” and are not “binding on property owner, on any City department, employee, advisory board or on the City Council” (Notice and Disclaimer section). With that said, per the Citrus Sub-Area Plan, the primary use envisioned was large-lot, single residences, and office developments and similar land uses were the only non-residential uses considered to be compatible in the sub-area at arterial intersections. Although the Citrus Sub-Area Plan states that daycare centers should not be allowed (Chapter 4-3), per Table 11-6-2 of the MZO, a daycare center is a permitted use in the OC zoning district.

The Proposed Project fits the vision of the Mesa 2040 General Plan Neighborhood Character Area and though the use is not recommended by the Citrus Sub-Area Plan, the architectural design has drawn inspiration from other buildings within the area and the proposed landscape plan meets the recommendations of the Sub-area plan.

Zoning District Designations:

The request is to rezone the subject property from OC-BIZ overlay to OC. Per Section 11-6-1 of the MZO, the purpose of the OC district is to provide areas for small-scale medical and professional offices intended to serve the community and remain compatible with adjacent residential areas. Approval of the subject rezone will remove the previously approved BIZ overlay.

Airfield Overlay - Mesa Zoning Ordinance (MZO) Article 3, Section 11-19:

Per Section 11-19 of the MZO, the project site is located within the Airfield (AF) Overlay District. Specifically, within the Airport Overflight Area Three (AOA 3). The location of the property within AOA 3 is due to its proximity to the Falcon Field Airport. Per Section 11-19-4(C) of the MZO, there are no additional use restrictions beyond those for the base zoning district in the AOA3.

The City's Falcon Field staff did not comment on the proposed development.

Site Plan and General Site Development Standards:

The proposed site plan shows the development of an approximately 14,280 square foot day-care center with a total of 14 classrooms serving ages from three months to school age. Per the submitted site plan, the development will also include a fenced playground area on the east side of the building with three shade canopies.

The applicant is proposing cross access and a shared parking agreement with the Living Word Bible Church (condition number 5). Access to the site is provided through two internal driveways north and west of the site through the Living Word Bible Church. Per Section 11-32-3 of the MZO, 39 parking spaces are required for the development. Shared parking is being requested per Section 11-32-5 of the MZO and will require the approval of an Administrative Use Permit (condition number 6). According to the site plan submitted, 17 new parking spaces will be provided, and 22 parking spaces have been identified in the shared parking agreement with the adjacent church for a total of 39 parking spaces.

Overall, the proposed site plan conforms to the criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

Design Review:

The proposed development was reviewed by the Design Review Board at the June 13, 2023, work session. Community members as well as the Board expressed concern with the proposed elevations and compatibility with the surrounding area. Specifically, the form, scale, color, and materials proposed for the building.

Since the Design Review Board meeting, the applicant has worked with Staff to modify both the proposed elevations and site plan based on the feedback received.

Surrounding Zoning Designations and Existing Use Activity:

Northwest AG Church	North AG Church	Northeast (Across North Val Vista) RS-35-PAD Vacant
West AG Church	Project Site OC-BIZ Existing Farm Stand	East (Across North Val Vista) RS-35-PAD Vacant
Southwest (Across East Brown) OC Offices	South (Across East Brown) OC Offices	Southeast (Across East Brown and North Val Vista) RS-15-PAD Single Residence

Compatibility with Surrounding Land Uses:

The project site is located on the northwest corner of Brown Road and Val Vista Drive. To the north and west, the site is surrounded by the Living Word Bible Church and the associated parking. Brown Road separates the site from office uses to the south and Val Vista Drive separates the site from a vacant property that is zoned RS-35-PAD to the east. The proposed daycare center use will be compatible with the surrounding land uses.

Neighborhood Participation Plan and Public Comments:

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

An in-person meeting was held on January 31, 2023. A summary of the neighborhood meeting is included in the Citizen Participation Report. Two neighbors attended the meeting, and general questions were addressed including business hours, the number of children to be enrolled, traffic management, and recommendations of the Citrus Sub-area Plan, including landscaping and building design. A letter from the Living Word Bible Church was also obtained by the applicant. It stated that they had no concerns with changes being made to the parking lot and entrances or the two-story building and think it would enhance the property.

Prior to the Design Review Board meeting, Staff and the applicant received an email in support of the project from a surrounding neighbor who also wanted more information on circulation and safety on site. Communication that the applicant has had with this resident to address their concerns can be found in Exhibit 4. Staff received an email from a neighbor concerned with the number of citrus trees being lost across northeast Mesa. This email is included within this packet as part of Exhibit 5.

Two residents attended the Design Review Board meeting in person and eleven additional blue cards were submitted expressing concerns with the proposed elevations and compatibility with the surrounding area, specifically the shape, structure, scale, color, and materials proposed for the building. Neighbors also expressed concern with the parking on the site, traffic on Brown Road and Val Vista Drive, and the use not being a good fit for the neighborhood. These comments are included in the packet as Exhibit 5.

After the Design Review Board meeting, the applicant worked with Staff in addition to meeting with a neighborhood representative, as well as other neighbors, to address concerns. This resulted in a redesign of the elevations and the site plan. No additional comments have been received after the Design Review Board meeting. Staff will provide the Board with any new information during the scheduled Study Session.

Staff Recommendation:

Staff finds that the Proposed Project is consistent with the Mesa 2040 General Plan and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO. Therefore, staff recommends approval with the following **Conditions of Approval:**

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of Design Review case number DRB23-00219.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Prior to issuance of any building permit, record a lot combination with Maricopa County to combine parcels 141-13-006G and 141-13-006B.
5. Prior to the issuance of any building permit, recordation of cross-access and reciprocal parking easements for the shared parking and access with the property that surrounds the project site on the north and west.
6. Prior to the issuance of any building permit, receive approval of an Administrative Use Permit to allow for shared parking.
7. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a) Owner must execute the City's standard Avigation Easement and Release for Falcon Field Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b) Due to the proximity to Falcon Field Airport, any proposed permanent or temporary structure, as required by the FAA, is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.
 - c) Prior to the issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.
 - d) Provide written notice to future property owners that the project is within two miles of Falcon Field Airport.

- e) All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which states in part: “This property, due to its proximity to Falcon Field Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals.”
- 8. Compliance with all City development codes and regulations.

Exhibits:

Exhibit 1 – Staff Report

Exhibit 2 – Vicinity Map

Exhibit 3 – Application Information

3.1 Project Narrative

3.2 Site Plan

3.3 Landscape Plan

3.4 Elevations

3.5 Grading and Drainage Report

3.6 Citizen Participation Plan

Exhibit 4 – Citizen Participation Report

Exhibit 5 – Public Comment