



**PLANNING DIVISION
STAFF REPORT**

City Council Meeting

July 1, 2024

CASE No.: ZON23-00465	PROJECT NAME: Smiles for
Special Needs	

Owner's Name:	Smiles for Special Needs, LLC
Applicant's Name:	Reese L. Anderson, Pew & Lake, PLC
Location of Request:	Within the 1800 block of East Brown Road (north side). Located west of North Gilbert Road on the north side of East Brown Road
Parcel No(s):	136-27-014C
Request:	Rezone from Single Residence-9 (RS-9) to Office Commercial (OC) and Site Plan Review.
Existing Zoning District:	Single Residence-9 (RS-9)
Proposed Zoning District:	Office Commercial (OC)
Council District:	1
Site Size:	1± acre
Proposed Use(s):	Daycare Center
Existing Use(s):	Daycare Center
P&Z Hearing Date(s):	June 12, 2024 / 4:00 p.m.
Staff Planner:	Chloe Durfee Daniel, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (6-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **March 18, 1968**, the City Council annexed 175.6± acres, including the project site (Ordinance No. 581).

On **September 3, 2002**, the Zoning Administrator approved a Variance to allow for a driveway encroachment into the front yard and a reduction in the required landscape materials along

the street and interior property lines in conjunction with the development of a charter school in the R1-9 (RS-9) zoning district (Case No. ZA02-060).

On **June 12, 2024**, the Planning and Zoning Board recommended approval, with conditions, for the rezoning and site plan review.

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the project site from Single Residence-9 (RS-9) to Office Commercial (OC) and the approval of an Initial Site Plan (Proposed Project).

The project site is currently used as a daycare center and located on the north side of Brown Road west of Gilbert Road. In 2002, the Zoning Administrator approved a variance to allow for a driveway encroachment into the front yard and a reduction in the required landscape materials along the street and interior property lines in conjunction with the development of a charter school (Case ZA02-060).

The site has since been redeveloped as a daycare center, which is not a permitted use within the RS-9 zoning district. The applicant is requesting a rezoning from RS-9 to OC and initial Site Plan Review to allow the site to be used as a daycare facility for adults with special needs (Proposed Project).

In conjunction with the subject request, the applicant has also applied for a Substantial Conformance Improvement Permit (SCIP) to address the existing non-conforming conditions at the site, including building and landscape setbacks (Case No. BOA24-00402). The Board of Adjustment approved the SCIP request at their June 5, 2024, meeting.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood with a Suburban subtype. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood Character Area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community, with a wide range of housing options. Neighborhoods often have associated nonresidential uses such as schools, parks, places of worship, and local businesses.

The applicant is requesting a rezoning to Office Commercial (OC). The OC zoning is identified as a secondary zoning district and neighborhood supporting businesses are identified as a secondary land use in the Neighborhood-Suburban Character Area. The primary zoning district and use requirements have been met and the secondary zoning districts and uses are allowed.

The Proposed Project is consistent with the goals and objectives of the Mesa 2040 General Plan by providing supportive commercial use to the surrounding neighborhoods and contributing to the overall vitality of the area.

Zoning District Designations:

The applicant is requesting a rezoning from Single Residence-9 to Office Commercial. Per Section 11-6-1, 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. The OC district provides for a limited range of commercial activities. The proposed rezoning and development of the site for the commercial use conforms to the goals of the OC district.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-9 Single Residence	North RS-9 Single Residence	Northeast RS-9 Single Residence
West RS-9 Single Residence	Project Site RS-9 Charter School	East RS-9 Single Residence
Southwest (Across Brown Road) RS-9 Single Residence	South (Across Brown Road) RS-9/LC Single Residence/Commercial	Southeast (Across Brown Road) LC Commercial

Compatibility with Surrounding Land Uses:

The project site is currently used as a charter school and is zoned RS-9. The Proposed Project will use the site for a daycare center. Properties to the north are within the East Orangewood Estates subdivision and are zoned RS-9. The properties directly to the east and west are zoned RS-9, while other properties on the north side of Brown Road between Gilbert Road and Forest are zoned Office Commercial and Limited Commercial with Various commercial uses. Properties to the southwest of the site are zoned RS-9 with single family homes while properties to the southeast are zoned LC and within a large commercial center. The Proposed Project compatible with the surrounding development and land uses.

Site Plan and General Site Development Standards:

The Proposed Project consists of the existing facility which includes the main building, an office building, a covered outdoor eating area, and a covered outdoor recreational area. The total building area is 6,882 square feet. The applicant is improving the front parking lot to bring the site into substantial conformance by meeting parking requirements and landscaping requirements.

Based on the requested parking calculations, the Proposed Project requires a total of 14 parking spaces on site, and the applicant is proposing to include 14 parking spaces and 3 bus parking spaces.

Primary access to the site is from Brown Road. Overall, the proposed site plan complies with the review criteria for Site Plan Review in Section 11-69-5 of the MZO.

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 or registered neighborhoods within one mile of the site.

The applicant held a neighborhood meeting on June 28, 2022 at which five attendees were present. Neighbors asked questions about the operations of the facilities including the number of patrons and staff present at any one time, the needs of the patrons, and business operations. The applicant provided information about the age of patrons and their cognitive delays. Attendees also inquired about proposed improvements to parking and landscaping along the eastern property line to which the applicant described the improvements.

As of the date of this report, staff has been contacted by two residents. One resident wanted more information about planting requirements and had a slight concern about noise and privacy due to trees in the rear of the property dying off over the past 10 years. The other resident expressed their opposition to the rezoning of the property due to general commercial uses potentially having increased traffic, noise, loss of privacy and security, and the impact it could have on property values and the residential character of the neighborhood.

Staff provided a summary of comments received at the Board of Adjustment meeting pertaining to the proposed commercial zoning during the scheduled Study Session on June 12, 2024.

Staff Recommendation:

Staff finds that the requested rezoning and Site Plan Review complies with the Mesa 2040 General Plan and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

Staff recommends approval with the following **Conditions of Approval:**

1. Compliance with the final site plan submitted.
2. Compliance with the requirements for a Substantial Conformance Improvement Permit per Board of Adjustment Case No. BOA24-00402.
3. Compliance with all City development codes and regulations.

Exhibits:

- Exhibit 1 – Presentation
- Exhibit 2 – Ordinance
- Exhibit 3 – Ordinance Map
- Exhibit 4 – Vicinity Map
- Exhibit 5 – Site Plan
- Exhibit 6 – Minutes
- Exhibit 7 – Submittal Documents