



**PLANNING DIVISION**

**STAFF REPORT**

**City Council**

**December 11, 2023**

CASE No.: <b>ZON23-00416</b>	CASE NAME: Private School for Autism
------------------------------	--------------------------------------

Owner's Name:	POLARIS RE HOLDINGS LLC
Applicant's Name:	Nathan Palmer
Location of Request:	Within the 1400 block of South Clearview Avenue (west side) and the 7100 block of east Hampton Avenue (south side). Located south of Southern Avenue and east of Power Road.
Parcel No:	218-56-570A
Nature of Request:	Council Use Permit (CUP). This request will allow for the development of a private school within the Limited Commercial with a Planned Area Development overlay (LC-PAD) zoning district.
Existing Zoning District:	Limited Commercial (LC) with a Planned Area Development overlay (LC-PAD)
Council District:	6
Site size:	1.1± acres
Proposed Use(s):	Private school
Existing Use(s):	Commercial Offices
P&Z Hearing Date(s):	<b>November 15, 2023 / 4:00 p.m.</b>
Staff Planner:	Sergio Solis, Planner I
Staff Recommendation:	APPROVAL with conditions
Planning and Zoning Board Recommendation:	APPROVAL with conditions (Vote 6-0)
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **January 5, 1987**, the City Council annexed 97± acres, including the project site, into the City of Mesa, and subsequently established Single-Family Residence-6 (R1-6) (equivalent to Single Residence-6 [RS-6]) zoning on the annexed area (Ord. 2160, Case No. Z86-124).

On **February 17, 1987**, the City Council rezoned 89± acres, including the project site, from Single-Family Residence-6 (R1-6) to Agricultural (AG) to establish a holding zone for future development (Ord. 2174, Case No. Z87-006).

On **April 5, 1988**, the City Council rezoned 210± acres, including the project site, from Suburban Ranch (SR), Agricultural (AG), and Single-Family Residence-35 (R1-35), to AG (Conceptual: C-2) [equivalent to Limited Commercial (LC)] and (M-1) [equivalent to Limited Industrial (LI)] to establish a mixed-use commercial/employment opportunity site. City Council additionally approved the Preliminary Plat for Superstition Springs, Unit 1 and established a Master Plan for Superstition Springs (Ord. 2324, Case No. Z88-016).

On **July 5, 1988**, the City Council established C-2 zoning on Lots 1-3, including the project site, and approved a Site Plan to allow development of Phase 1 for a 309,0569 square foot shopping center (Ord. 2354, Case No. Z88-038 and SPR88-003).

On **May 4, 1992**, the City Council approved a Development Master Plan (DMP) [equivalent to Planned Area Development (PAD) overlay district], which included a modification of the original Master Plan for Superstition Springs (Ord. 2693, Case No. Z92-014).

On **October 19, 1992**, the City Council rezoned 36± acres, including the project site, from AG-Development Master Plan (DMP) (Conceptual: C-2) to C-2-DMP and Site Plan Modification to allow development of Phase 1 of a 392,600 square-foot shopping center (Ord. 2732, Case No. Z92-046).

On **June 4, 1997**, the Design Review Board approved the site plan, landscape, and building elevations for a 10,166 square-foot office/warehouse (Case No. DR97-039).

On **November 15, 2023**, the Planning and Zoning Board recommended approval of the Council Use Permit with conditions (Vote 6-0).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a Council Use Permit (CUP) to allow for a private K-9 school in the Limited Commercial with a Planned Area Development overlay (LC-PAD) zoning district (Proposed Project).

The Proposed Project will occupy the existing 10,129 square foot office building at 1440 South Clearview Avenue. The Proposed Project will provide educational services for approximately 100 children on the spectrum. The interior of the building will be modified to provide seven (7) classrooms and an indoor physical therapy area.

Concurrent with this request, staff has been reviewing a request for minor site plan modification (ZON23-00880) including modifications to circulation and landscaping, and installation of a playground and perimeter fence. The proposed site plan modifications are minor per Section 11-69-7(A) of the Mesa Zoning Ordinance (MZO) and are subject to administrative review by the

Planning Director. The Planning Director has reviewed the site plan and, if the City Council votes to approve the CUP, will approve the minor site plan modifications. A condition of approval for the CUP will include approval of the minor site plan modification, including any conditions of approval, before any building permit is issued.

**General Plan Character Area Designation and Goals:**

The Mesa 2040 General Plan Character Area designation on the property is Employment with a Business Park Sub-type. Per Chapter 7 of the General Plan Employment districts are intended to be large areas devoted primarily to industrial, office, and warehousing. Compatible public and semi-public uses are identified as a primary land use within the Business Park Sub-type.

The reuse of the existing office building as a private school is consistent with the intent of the Employment Character Area.

**Zoning District Designations:**

The project site is currently zoned Limited Commercial (LC). Per Mesa Zoning Ordinance (MZO) Section 11-6-2, the proposed private K-12 school is a permitted use in the LC district subject to approval of a CUP.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> LC-PAD Group Commercial Center	<b>North</b> LI-PAD Commercial Offices	<b>Northeast</b> LI-PAD Commercial Office
<b>West</b> LC-PAD-CUP Multiple-Residence	<b>Project Site</b> LC Office/Warehouse	<b>East</b> LI-PAD Commercial Office
<b>Southwest</b> LC-PAD-CUP Multiple-Residence	<b>South</b> LC-PAD Vacant	<b>Southeast</b> LI-PAD Commercial Office

**Compatibility with Surrounding Land Uses:**

The project site is located within an existing 10,129 square foot stand-alone office buildings within an Employment character area. The project site is surrounded by commercial offices to the north, northeast, and east. West of the project site is an approved multiple residence development with 395 units and the project site is north of a vacant lot zoned Light Industrial (LI). The Proposed Project will not be injurious or detrimental to the surrounding land uses.

**Site Plan and General Site Development Standards:**

The 1.1± acre project site is located on the southwest corner of Hampton Avenue and Clearview Avenue. The Proposed Project will occupy an existing 10,129 square foot building.

The interior of the building will be modified to provide seven (7) classrooms and an indoor physical therapy area. Proposed modifications to the site are minor and will be reviewed by the Planning Director in accordance with Section 11-69-7(A) of the MZO.

The proposed site plan modifications include:

- Installation of a playground north of the existing building;
- Installation of a six-foot-high wrought-iron fencing around the playground;
- Modification to the onsite circulation to provide a student pick up and drop off on the east side of the building; and
- Revegetation of existing landscape areas.

The site plan is not part of this request and will be approved by the Planning Director. The site plan is attached for informational purpose. Per Section 11-32-3 of the MZO, schools are required to provide one space per 75 square feet for public assembly space and one space per 600 square feet for all other areas. Per the submitted plans, 960 square feet of public assembly areas are proposed with 31 parking spaces provided.

**Council Use Permit:**

Per Table 11-6-2 of the MZO, a CUP is required for a private school, grades K through 9, in the LC zoning district. The CUP is subject to the requirements in Section 11-31-24 of the MZO related to the location, development, and operation of schools.

Per Section 11-70-6 of the MZO, a CUP shall only be granted if the Proposed Project as submitted or modified conforms to all of the following criteria:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies:

**The Proposed Project complies with the Mesa 2040 General Plan, is consistent with the Employment character area, will be harmonious with the adjacent Mixed Use Activity character area to the west and contributes to the mixture of uses that support the surrounding neighborhood.**

***The proposal meets this criterion.***

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;

**The Proposed Project will be located in an existing 10,129 square feet office building. Per the submitted plans, the school will operate primarily within the existing building with the exception of a new playground adjacent to Hampton Avenue. The Proposed Project will be compatible with surrounding existing commercial office uses and will have minimal impacts to the surrounding area.**

***The proposal meets this criterion.***

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area of the proposed project or improvements in the neighborhood or to the general welfare of the City; and

**The Proposed Project will not be injurious or detrimental to the surrounding properties and neighborhoods. The Proposed Project will contribute to the general welfare of the neighborhood by providing a beneficial use to the area.**

*The proposal meets this criterion.*

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

**City staff has confirmed the availability of adequate public services, public facilities, and public infrastructure for the proposed use.**

*The proposal meets this criterion.*

**Neighborhood Participation Plan and Public Comments:**

The applicant completed a Citizen Participation Process which included mailing notice letters to property owners within 500 feet of the site as well as HOA's within ½ mile and registered neighborhoods within one mile.

The applicant conducted one (1) neighborhood meetings on October 27, 2023. According to the applicant, there were no attendees at the meeting.

As of writing this report, no comments or concerns have been received from surrounding property owners.

**Staff Recommendation:**

Staff finds that the requested Council Use Permit is consistent with the Mesa 2040 General Plan and the review criteria outlined in Section 11-70-6 of the MZO. Staff recommends approval with the following **Conditions of Approval:**

1. Prior to the issuance of any building permit, receive approval of the Minor Site Plan Modification (Case No. ZON23-00880).
2. Compliance with all conditions of approval for Case No. ZON23-00880.
3. Compliance with all requirements of Case No. DR97-039.
4. Prior to issuance of any building permit, install perimeter landscaping consistent with the landscape plan approved with Case No. DR97-039.
5. Compliance with all City development codes and regulations.

**Exhibits:**

Exhibit 1 – Resolution

Exhibit 2 – Vicinity Map

Exhibit 3 – Site Plan

Exhibit 4 – Minutes

Exhibit 5 – Submittal Documents