



**PLANNING DIVISION  
STAFF REPORT**

**City Council Hearing**

**February 10, 2020**

CASE No.: **ZON19-00834**

**PROJECT NAME: 1102 East University**

Owner's Name:	1102 East University LLC
Applicant's Name:	Nicole Posten-Thompson, On-Pointe Architecture
Location of Request:	1102 East University Drive. Located west of Stapley Drive on the north side of University Drive.
Parcel No(s):	137-05-034C
Request:	Rezone from Multiple Residence 4 (RM-4) to Neighborhood Commercial (NC); and Site Plan Review. This request will allow for the expansion of existing personal services (hair salons) within an existing building.
Existing Zoning District:	Multiple Residence 4 (RM-4)
Council District:	4
Site Size:	0.46± acres
Proposed Use(s):	Personal Services
Existing Use(s):	Personal Services/ Vacant
P&Z Hearing Date(s):	<b>January 8, 2020 / 4:00 p.m.</b>
Staff Planner:	Ryan McCann
Staff Recommendation:	<b>APPROVAL</b> with Conditions
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **December 6, 1948**, the property was annexed into the City of Mesa and subsequently zoned RM-4 (Ordinance No.228).

According to records on file, the City issued a building permit in 1972 to allow development of a single-story office building.

## PROJECT DESCRIPTION

### **Background:**

The subject request is to allow the expansion of an existing personal service businesses on the property. Currently, there is an existing 4,000 square foot building on the property with a section of it, approximately 1,500 square feet, used for personal services (i.e hair salon). The remaining portion of the building is vacant. Per Section 11-5-2 of the City's Zoning Ordinance, personal services in the RM-4 requires approved of a Special Use permit and cannot exceed 1500 square feet area. The existing use was allowed in the RM-4 district and the site is considered legal non-conforming.

The intent of the subject rezoning is to a zoning district designation on the property that will not be out of character with the surrounding neighborhood and allow expansion of the existing personal services use on the property.

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

The property is located in a Neighborhood character area with a Suburban sub-type. Per Chapter 7 of the General Plan, the primary focus of the neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Per the Plan, Neighborhoods can have associated non-residential uses such as schools, parks, places of worship, and local serving businesses. In addition, nonresidential areas within neighborhoods should be designed and located to bring people together and not disrupt the fabric and functioning character of the neighborhood as a place where people live. Further, the design, development, and maintenance of neighborhoods focuses on ensuring clean, safe, and healthy areas where people want to live and maintain their investments. Within the suburban sub-type, such areas may also contain commercial uses along arterial frontages and at major street intersections.

Staff reviewed the request and determined the proposed rezoning to allow a district that will allow expansion of the personal services on the property to serve the needs of the surrounding neighborhood conforms to the goals of the General Plan and character area designation. The request is also 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 subject site is zoned Multiple Residence 4 (RM-4). Per Section 11-5-2 of the City of Mesa Zoning Ordinance (MZO), personal services within the RM districts are permitted only with approval of a Special Use Permit and only if the location is coterminous to an intersection of an arterial street with a local or collector street, and the aggregate maximum gross floor area is less than 1,500 square feet in floor area, exclusive of any residential uses. The current floor area of the building used for personal services is approximately 1,500 square feet and cannot be expanded within the designated zoning on the property.

The proposed rezoning of the property to Neighborhood Commercial (NC) aligns with the intent of the Neighborhood Commercial District. Per Chapter 6 of the MZO, the purpose of the NC district is to provide areas for locally oriented retail and service uses that serve the surrounding residential trade area within a ½ to 2-mile radius. Compatible uses in the district include small-scale medical and professional offices, personal services, as well as public and semi-public uses. Per Section 11-6-2 of the MZO, personal services are a permitted use in the NC district with no limitation on maximum allowed square footage. The location of the property at the corner of a recognizable road intersection also make it appropriate to be designated as Neighborhood Commercial to serve the surrounding neighborhood without generating increase in vehicular traffic through the existing neighborhood.

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

As part of the subject request, the applicant is also requesting a site plan approval to allow modification to the existing site layout. There is no site plan case history on the site. According to records on file, the site was developed in the 1970's and currently does not conform to the City's setback and landscaping requirements and considered as legal non-conforming in accordance with Chapter 36 of the MZO. The proposed site plan shows construction of a landscaped area at the north end of the site in addition to parking islands. Existing parking spaces will be removed to accommodate the new landscaping. Currently, there is an existing vehicular driveway access onto the property from University drive to the south and Matlock Street to the east. There are no proposed changes to the location of these driveways.

Per Section 11-73 of the MZO, a Substantial Conformance Improvement Permit (SCIP) will be required for the redevelopment of the site, unless the site is fully brought into conformance with current development standards. The site plan, as proposed, does not conform to current landscape requirements, building and landscape setbacks and foundation base requirements outlined in Section 11-6-3 of the MZO. Due to these non-conformities, the SCIP will required to allow such deviation from the MZO and substantially bring the site further into conformance with current development standards as feasible due to existing physical constraints. As part of the review and request, the applicant has applied for a SCIP. This SCIP will be reviewed by the Board of Adjustment and shall require such approval prior to issuance of a building permit (see condition no. 3). Overall, the request conforms with the review criteria for site plans outlined in Section 11-69-5 of the City of Mesa Zoning Ordinance (MZO).

**Substantial Conformance Improvement Permit (SCIP):**

Per section 11-73 of the Mesa Zoning Ordinance, the intent of the 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 the site does not meet current landscape requirements, building and landscape setbacks and foundation base requirements due to these non-conformities, the SCIP is intended to aid to bring the site further into conformance with current development standards. Staff is currently reviewing the SCIP application and is tentatively scheduled to be considered by the Board of Adjustment's meeting in February.

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

<p><b>Northwest</b> RM-4 Office (parking lot)</p>	<p><b>North</b> RS-6 Residential (Vacant)</p>	<p><b>Northeast</b> LC Commercial</p>
<p><b>West</b> RM-4 Office</p>	<p><b>Subject Property</b> RM-4 Personal Services</p>	<p><b>East</b> LC Commercial</p>
<p><b>Southwest</b> (Across University Dr.) RM-4 Residential</p>	<p><b>South</b> (Across University Dr.) RM-4 Multi-family Residential</p>	<p><b>Southeast</b> (Across University Dr.) OC Office</p>

**Compatibility with Surrounding Land Uses:**

The proposed rezone and site plan review is to allow for the expansion of an existing personal service businesses on the property. The property is located adjacent to existing commercial uses and vacant single residential zoned lots. The proposed NC zoning at the intersection of a major roadway will not be out of character with the surrounding 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 inviting them to a neighborhood meeting organized on November 14, 2019. According to the applicant, no resident attended the meeting. However, the applicant was contacted by two residents who asked for information and explanation of all uses associated with personal services. As of writing this report, staff has not received any comments/concerns from any surrounding property owners. Staff will provide the Board with any new 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 approval through the Board of Adjustment for a Substantial Conformance Improvement Permit to address existing non-conformities on the site, or bring all non-conformities on the site into compliance with the Zoning Ordinance.
4. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.