



**PLANNING DIVISION**

**STAFF REPORT**

**City Council Meeting**

**August 28, 2023**

CASE No.: <b>ZON22-01298</b>	CASE NAME: Red Oak Autism Academy
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Owner’s Name:	MYSLONY DEVELOPMENT LLC
Applicant’s Name:	AnneMarie Butler
Location of Request:	Within the 5000 to 5100 block of East University Drive (north side). Located west of Higley Road on the north side of University Drive.
Parcel No:	140-16-004E
Nature of Request:	Council Use Permit (CUP). This request will allow for a private school (grades K-12) to be located within the Limited Commercial (LC) zoning district.
Existing Zoning District:	Limited Commercial (LC)
Council District:	2
Site size:	2.5± acres
Proposed Use(s):	Private K-12 school
Existing Use(s):	Retail/restaurant center
P&Z Hearing Date(s):	<b>July 26, 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: 7-0)
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **September 18, 1972**, the City Council annexed 47± acres, including the proposed 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. No. 767).

On **August 19, 1974**, 47± acres, including the proposed project site, were rezoned from R1-6 to Neighborhood Commercial (C-1) (equivalent to Neighborhood Commercial [NC]), Multiple Residence-4 (R-4) (equivalent to Residential Multiple Residence-4 [RM-4]), and Multiple Residence-3 (R-3) (equivalent to Residential Multiple Residence 3 [RM-3]) as part of the Blasdell Ranch Development Master Plan (Case No. Z74-001, Ord. No. 847).

On **August 10, 1984**, the City Council approved a modification to an approved Development Master Plan and rezoned 47± acres from R-4, R-3, and C-1 to R-3, R-3 with a Planned Area Development (R-3-PAD), and C-2, for the development of a neighborhood shopping center, 400-unit condominium project and a 340-unit apartment complex (Case No. Z84-110, Ord. No. 1870).

On **November 5, 2003**, the Design Review Board approved the development of three commercial buildings totaling 24,850 square feet (Case No. DR03-83).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a Council Use Permit (CUP) to allow for a private K-12 school in the Limited Commercial (LC) zoning district (Proposed Project).

The proposed project site is located on the northwest corner of Higley Road and University Drive within an existing group commercial center.

The Proposed Project will occupy 4,966 square feet within Suites 110 to 114 of the northwest building of the shopping center and provide educational services for children with autism. The interior of the building will be modified to provide five classrooms, each containing five to nine children. The building itself will be not enlarged, extended, or increased in size, and no other site modifications are proposed.

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

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood Village Center. Per Chapter 7 of the General Plan, the Neighborhood Village Centers Character may include a mixture of uses such as retail, residential, and office. The goal of the Neighborhood Village Center is to provide for the regular shopping and service needs of the nearby population.

Public and Semi-Public uses, including schools, are listed as secondary uses and may account for up to 20% of the character area once primary uses, such as retail, restaurants, office, etc. have been established. More than 80% of the character area has been established for primary uses, therefore the compatible semi-public use is consistent with the intent of the Neighborhood Character Area.

**Zoning District Designations:**

The proposed 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> RS-6-PAD Single Residence	<b>North</b> RS-6-PAD Single Residence	<b>Northeast</b> RS-6-PAD Single Residence
<b>West</b> (Across St. Paul) RS-6 Single Residence	<b>Proposed Project Site</b>  LC Group Commercial Center	<b>East</b>  LC Group Commercial Center
<b>Southwest</b> (Across University Drive) RM-4 Mobile Home Park	<b>South</b> (Across University Drive) RM-4 Mobile Home Park	<b>Southeast</b> (Across University Drive) RM-4 Mobile Home Park

**Compatibility with Surrounding Land Uses:**

The proposed project site is located within an existing group commercial center containing retail and restaurant uses. A single residence subdivision is located to the west and north of the project site and a mobile home park is located to the south across University Drive.

The school will operate in four suites of an existing multi-tenant building and all activities will occur inside the building. The Proposed Project site will not be injurious or detrimental to the surrounding land uses.

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

The proposed project site was approved as part of Phase II, Lot 3 of a larger 8.8± acre group commercial center. Phase II, Lot 3 was approved for two commercial retail/restaurant buildings labeled as ‘Shops A’ and ‘Shops B’ (as shown on Exhibit 3.1).

The Proposed Project includes leasing four suites (Suites 110-114) within “Shops A” totaling 4,966 square feet. No changes are proposed to the exterior of Shops A and the required setbacks and development standards for the LC zoning district are being met.

Per the submitted plans, no outdoor playground areas are proposed.

According to the applicant, student pick up and drop off will be located to the north of the building within the existing parking lot. The Transportation Division has reviewed the proposed route and no concerns with traffic circulation have been identified.

Per MZO Section 11-32-3, 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,

no public assembly areas are proposed. The Proposed Project, totaling 4,966 square feet, requires a minimum nine parking spaces. The project site provides 58 parking spaces for Shops A and 47 parking spaces for Shops B, which includes existing retail and restaurant uses. The site has adequate parking for this new use.

**Council Use Permit:**

Per Table 11-6-2 of the MZO, a CUP is required for a private school, grades K through 12, in the LC zoning district and subject to conformance with the outlined 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 approving body determines that the 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 Neighborhood Village Center character area of the Mesa 2040 General Plan by contributing 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 within Shops A of an existing shopping center. The Proposed Project area will be approximately 4,966 square feet Per the submitted plans, the school will operate within the confines of the building with no outdoor playgrounds proposed. The Proposed Project will be compatible with surrounding existing retail and restaurant 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 private school 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 two neighborhood meetings on June 6, 2023, and June 13, 2023. According to the applicant, there were no attendees for either meeting.

As of writing this report, neither the applicant nor staff have received any comments or concerns from surrounding property owners.

**Staff Recommendation:**

Staff finds that the requested CUP 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. Compliance with Ordinance No. 1870.
2. Compliance with all requirements of Design Review Case No. DR03-083, including the final site plan and final landscape plan approved with case DR03-083.
3. Prior to the issuance of any building permit, install perimeter landscaping consistent with the final landscape plan approved with case DR03-083.
4. Compliance with all City development codes and regulations.

**Exhibits:**

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Applicant Information

3.1 DR03-083 Final Site Plan

3.2 Narrative

3.3 DR03-083 Final Landscape Plan

3.4 Pick-up/Drop-off Route Plan

3.5 Floor Plan

3.6 Citizen Participation Plan

Exhibit 4 – Citizen Participation Report