

# Smiles for Special Needs

Zoning, SCIP and Site Plan Review Narrative

1858 E Brown Rd

*Submitted by:*

**Pew & Lake, PLC**

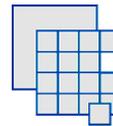
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Real Estate and Land Use Attorneys

*On behalf of:*

**Smiles for Special Needs**

Joseph Hughes

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**May 8, 2024**

## 1. Introduction

Pew and Lake, PLC, on behalf of our client, Smiles for Special Needs, is pleased to submit this project narrative for approval of a rezoning from RS-9 to Office Commercial (OC), with a Substantial Conformance Use Permit (SCIP) to facilitate the Smiles for Special Needs adult day care center. The approximately 1-acre subject site is located at 1858 E. Brown Road, which is approximately 600 feet west of the NWC Gilbert Road and Brown Road (APN 136-27-014C). An aerial photo of the site is shown below with the parcel outlined in red.

**Figure 1 – Site Aerial**



## 2. Specific Requests

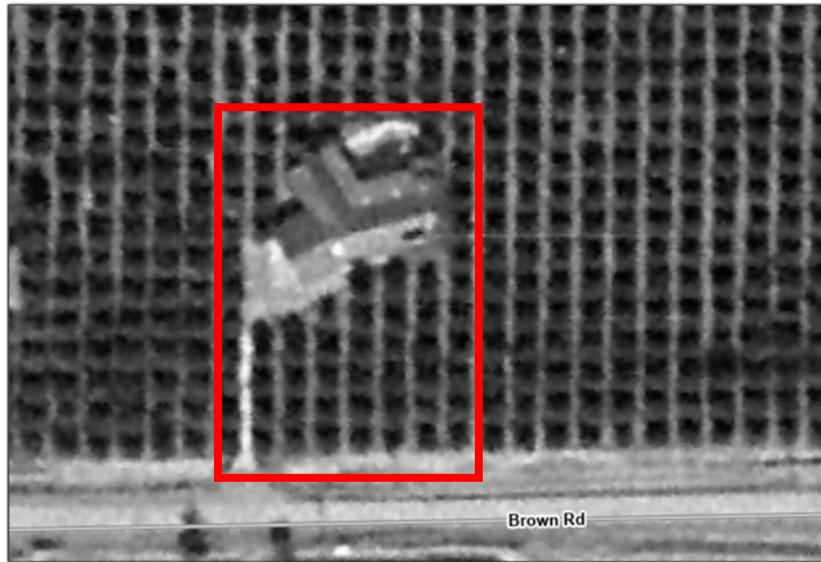
Our specific requests to the City of Mesa are for approval of the following:

1. Rezoning of the property from RS-9 to OC.
2. A Substantial Conformance Improvement Permit (SCIP)
3. Site Plan Review

## 3. Existing Site Conditions and Relationship to Surrounding Properties

As noted above, the subject site is zoned RS-9 and located at 1858 E. Brown Road, approximately 600 feet west of the NWC Gilbert Road and Brown Road in Mesa. According to historic aerial photography the building was originally constructed in 1969, largely with the same current configuration. In 2003, the parking and drive aisles within the site were added and remain to this day. Figures 2 and 3 on the next page show the historic aerial photos. It is our understanding that the site was previously used as the East Valley Academy Charter School.

*Figure 2 – 1969 Site Aerial*

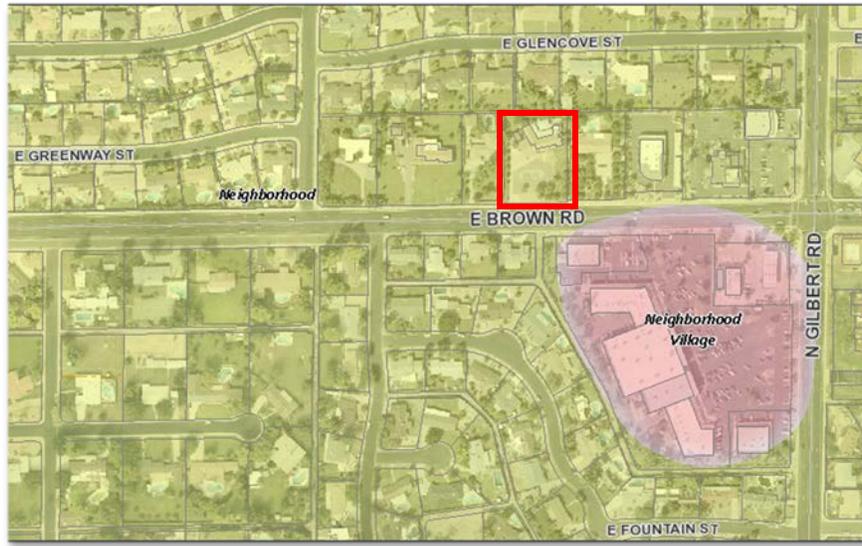


*Figure 3 – 2003 Site Aerial*



The property is designated under the City of Mesa General Plan as Neighborhood as shown on Figure 4 on the next page with the site outlined in red.

**Figure 4 – Existing City of Mesa General Plan Map**



This site is currently zoned RS-9 having received this zoning designation as adjacent residential properties were developed under R1-9 standards. While the zoning designation anticipates a smaller lot, this property is 42,776 sq. ft. There are several properties along Brown Road which are zoned OC along Brown Road as shown in Figure 5, below.

**Figure 5 – Existing City of Mesa Zoning Map**



**Figure 6 – Proposed City of Mesa Zoning Map**



South of the site is Brown Road, a major arterial, followed by the Luna Tierra commercial development and a single-family home. West of the site is a single-family home followed by the Citrus Manor nursing home. North of the site is the East Orangewood Estates residential subdivision. East of the site is a single-family home followed by the Orangewood Plaza office building and additional commercial uses.

The table below further details the adjacent land uses.

**Table 1 – Surrounding Context**

Direction	Existing Zoning	Existing Use
Subject Property	RS-9	Subject Site - TBD
North	RS-9	Single Family Residential
East	RS-9	Single Family Residential
South	LC/RS-9	Dry Cleaner & Commercial/Single Family Residential
West	RS-9	Single Family Residential

#### 4. Project Description

The Smiles for Special Needs program is a day program for adults with intellectual and physical disabilities. It provides a safe place for this important segment of our community to go during the day while their primary caregivers are at work or have other commitments. At Smiles for Special Needs these individuals find a place where they are loved, accepted and respected for who they are. The program helps participants work on life skills with an emphasis on peer

interaction. The program also helps our community by providing respite care for family members and primary care providers of the participants, allowing these providers to attend work and other obligations.

Adult individuals attend the center between the hours of 7am and 5pm (M-F) with no overnight stays. Individuals are dropped off to the center by family members, friends, or caregivers or by using transit options offered by Smiles for Special Needs. In other words, the only people parking on site for more than a few minutes are the employees.

*Proposed Site Improvements*

The existing site layout includes a driveway built to commercial standards which leads to a rounded drive aisle route which facilitates drop-offs. The 4,890 square feet of building area (including outdoor eating area, separate entrance offices and the main facility) is located towards the rear of the lot along with a covered patio and play area in the rear of the building. There are no proposed changes to the exterior of the building except minor changes related to the installation of an updated ADA compliant front entry.

The proposed changes to the site include adding additional asphalt to meet commercial parking requirements and installing a sidewalk connection to provide safe connectivity between the building, parking, and public street. While the site currently has only 10 marked parking spaces, it is being improved to provide the required 14 spaces. A new 32” high parking screen wall will be added to screen new parking spaces and match the existing wall.

The existing citrus-based landscaping provides a buffer to neighboring properties and will be enhanced and complemented with new landscaping installed along the property lines and street frontage. Given the limited impact of the proposed site improvements, no additional stormwater retention basins are being proposed for the site. Changes are also proposed inside the building in order to meet or exceed the occupancy rating and building code requirements.

*Development Standards*

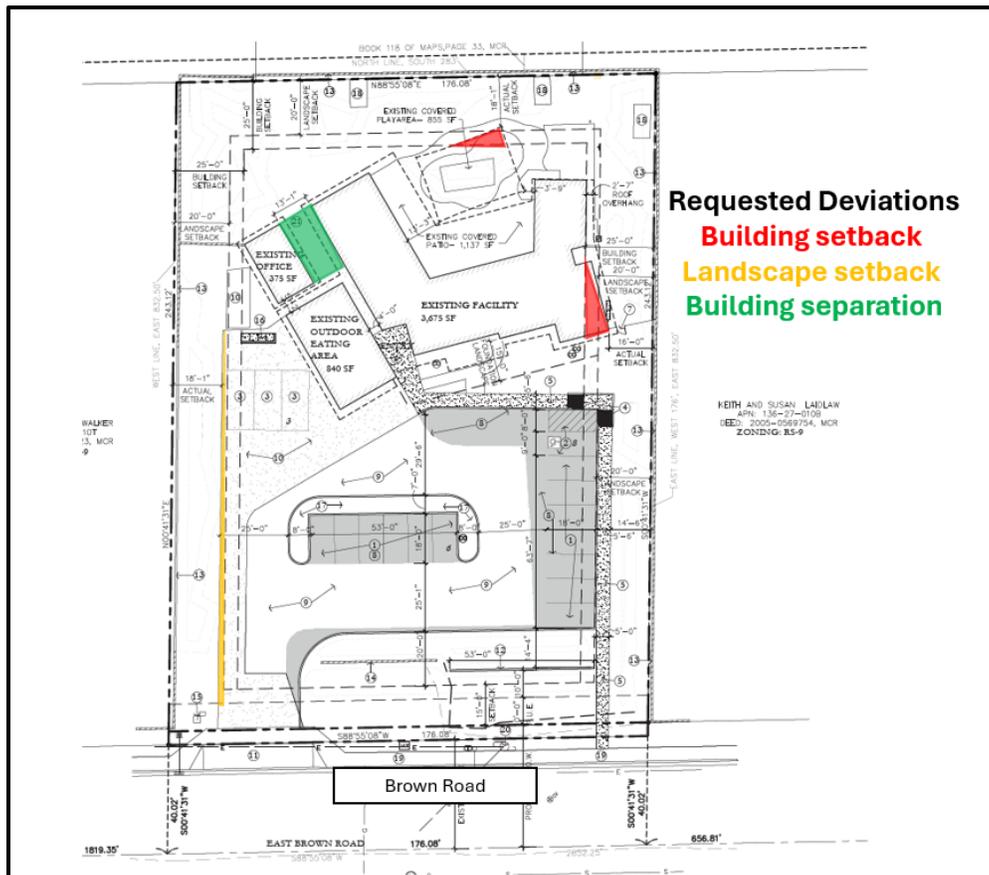
The proposed site plan seeks to balance the current residential configuration of the site while also providing general conformance with today’s commercial standards. Shown below are the Office Commercial development standards from which we are requesting modification through the SCIP.

***Development Standards Modification***

<b>Development Standards</b>	<b>Office Commercial- required</b>	<b>Provided with SCIP</b>
Building Setbacks		
Side-East	25-feet	16-feet
Rear	25-feet	18-feet
Landscape Setbacks		
Side-East	20-feet	16-feet
Side-West	20-feet	18-feet
Building Separation	25-feet	13-feet

## Justification for Development Standard Modifications

The modifications listed in the table on the previous page may be easily identified in the graphic below. It is important to note that these requests do not propose any new encroachments into the setback areas. In each instance where a modification is requested, the condition currently exists, and the modification, if granted, will allow the continued use of the structure while substantially conforming with the Mesa Zoning Ordinance. So, while the zoning might be changing to allow a new use and site improvements will be made to parking, landscaping, and pedestrian connections, the project seeks to maintain the existing configuration of the buildings on the property.



### a. Side Building Setback modification

The requested OC zoning district requires a 25-foot building setback. However, the building is currently angled on the property and is only 16-feet from the eastern property line, creating an encroachment into the required building setback. When constructed, the residential zoning district had a smaller setback requirement, which permitted the construction of the building in its current location and orientation. A minor modification is needed to preserve the current location of the building without any major modifications.

***b. Side Landscape Setback modifications***

On the western and eastern sides of the property, there are encroachments of pavement into the required landscape setbacks. This pavement was installed while the property was in use as a charter school, to provide the necessary width of the drive aisles, required sidewalks and parking areas in the front portion of the lot. While the landscape buffers in the front portion of the lot are slightly narrower than required, the rear portion of the lot has more than the required amount of landscaping. This abundance of landscaping contributes to a lot coverage of only 52.9%, where 80% is allowed in the OC zoning district.

***c. Rear Setback modification***

When the property was used as a charter school, a covered play area was installed in the rear yard of the property. The fabric-covered accessory structure continues to provide a shaded area for the patrons of the adult day care as they seek outdoor activity. The existing location of this covered structure is not proposed to be changed. The structure is 14'-6" feet in height which, under the current residential zoning district, would be allowed within the rear yard setback. However, the OC development standards do not contemplate accessory structures, therefore a deviation is required to allow the structure to remain in place.

***d. Building Separation modification***

The building separation distance that requires a deviation occurs between the existing office building and the larger facility. Like the play area discussed above, the office was constructed as an accessory structure by the prior user of the property. The office is just over 13-feet away from the principal building on the property, which is permitted in the current residential zoning district. However, the OC district, which contemplates several buildings on a single property, requires a building separation of 25-feet. The deviation will allow the continued use of the property without the removal or costly relocation of the office building.

**5. Compliance with the General Plan**

This applicant requests a rezone to OC zoning. The Office Commercial zoning is appropriate under the General Plan because the property is along an arterial street and in the vicinity of similarly zoned commercial properties. In the Mesa General Plan, Neighborhood Suburban sub-type, the Office Commercial (OC) District is considered an allowed "secondary" zoning district and a day care center (public/semi-public use) is considered an allowed "secondary" land use.

The Smiles for Special Needs project also achieves important objectives under the General Plan, namely:

**a. Neighborhood Policy #1: Encourage the appropriate mix of uses that will bring life and energy to neighborhoods while protecting them from encroachment by incompatible development.**

*Response: The proposed Adult Day Care Use provides a key Quality of Life aspect for both the patrons of Smiles for Special Needs and for their families, who benefit from the needed respite and are also enabled to add value at jobs within the City. The proposed upgrades to the site will ensure that the needs of surrounding development are respected by not requesting deviations above those historically in place at the property.*

**b. Neighborhood Strategy #5: Investigate strategies and incentives to encourage appropriate infill and property reuse consistent with neighborhood goals and values.**

*Response: Residents of the City of Mesa value the personal well-being of those individuals in our society who cannot take care of themselves. Residents also value the needs of family members who endeavor to provide for these individuals. Utilizing this property along the Brown Road arterial is an appropriate location for a commercial while also achieving a "neighborhood" feel with a residential style building and landscaping.*

## 6. Substantial Conformance Use Permit (SCIP)

As stated in Section 1-73-1 of the Mesa Zoning Ordinance, a SCIP is a process by which improvement standards required by the ordinance can be incrementally modified on non-conforming sites when such sites are enlarged; buildings are replaced, extended or have additions constructed; or other site modification is proposed. A SCIP recognizes that there may be existing site constraints, and encourages improvements that are proportionate to the degree of improvement being sought by the applicant. With the approval of a SCIP, non-conforming developments may be brought into substantial conformance with the zoning ordinance. The only development standards that may be modified with a SCIP are building setbacks, landscape design, on-site parking, building height, right of way dedications, and other site development standards contained in the ordinance.

There are findings outlined in Section 11-7-3 of the Zoning Ordinance, that need to be met prior to the approval of a SCIP. The findings are shown below in bold text, with the manner in which this application meets them following in italics.

**A. The entire development site will be brought into substantial conformance. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with this Ordinance that can be attained without (emphasis added) causing or creating any of the following conditions:**

**1. The demolition or reconstruction of existing buildings or other significant structures (except signs); or**

2. **The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.**
3. **The creation of new non-conforming conditions.**

*RESPONSE: The modifications requested with this rezoning and SCIP application are requested so that the Smiles for Special Needs adult day care can continue operating at its existing location without interruption. No buildings will be demolished or reconfigured, and the approval of these requests will not create further non-conformities on the site.*

- B. **The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.**

*RESPONSE: Authorizing the SCIP will establish an existing use on the property that is consistent and compatible with many of the properties along Brown Road that have been converted to business uses. The traffic along Brown Road has discouraged residential development in this area, and instead favors conversions of residential properties into small businesses. For example, there is an assisted living facility and law firm, also on the north side of Brown Road, that are office/commercial uses that have retained the residential character of the neighborhood.*

## 7. Conclusion

The proposed adult day care use is appropriately designed and located along the arterial road along with other office-type uses. We look forward to working with staff to ensure that this important community service is provided in the City of Mesa.