



**PLANNING DIVISION
STAFF REPORT**

City Council Meeting

August 22, 2022

CASE No.: **ZON22-00388**

PROJECT NAME: **Power Road Canine Training Center**

Owner's Name:	Arizona Agribusiness and Equine Center Inc.
Applicant's Name:	Benjamin Tate, Withey Morris
Location of Request:	Within the 2100 block of N. Power Road (east side). Located north of McKellips Road on the east side of Power Road.
Parcel No(s):	219-25-008G
Request:	Rezone from Single Residence 35 (RS-35) to Limited Commercial (LC); and Special Use Permit (SUP). This request will allow for a dog training and boarding facility.
Existing Zoning District:	Single Residence 35 (RS-35)
Council District:	5
Site Size:	2.6± acres
Proposed Use(s):	Commercial
Existing Use(s):	Private school
P&Z Hearing Date(s):	July 13, 2022 / 4:00 p.m.
Staff Planner:	Robert Mansolillo, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote: 7-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **July 7, 1986**, the City Council annexed 240± acres, including the subject site, into the City of Mesa and subsequently zoned the properties R1-35, R1-15, R1-9, C-2, and R1-31 (Conceptual C-2) (Case No. Z86-070; Ordinance No. 2103).

On **March 2, 2022**, City Staff approved a lot line adjustment on the subject property. The lot line adjustment created a third lot from the existing two. (Case ADM21-01181).

PROJECT DESCRIPTION

Background:

The subject request is to rezone 2.6± acres of land from Single Residence 35 (RS-35) to Limited Commercial (LC) and approval of a Special Use Permit (SUP) to allow for a dog training and boarding facility.

The subject site currently consists of an existing building that was previously used as a private school. The applicant has stated they will come back at a later time to submit for site plan and design review approval.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character area designation on the property is Mixed Use Activity District. Per Chapter 7 of the General Plan, the goal of the Mixed Use Activity District is to create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. This district often include uses such as large-scale community and regional retail, office, entertainment, and residential. The subject request is consistent with the goals of the Mixed Use Activity District by providing additional commercial land to accommodate retail development and uses that are consistent with the surrounding area.

Chapter 5 of the General Plan includes several key elements for growing and maintaining strong economic areas in Mesa. The subject site is in the North Power Road Economic Activity District. This area includes a mix of education, retail, and office uses with easy access from the arterial street network and the 202 Freeway. Because of its close proximity to Falcon Field, there is an economic tie between the success of this area and the continued growth and development of Falcon Field. This area includes the Red Mountain campus of Mesa Community College and is the northern end of the Power Road Knowledge Corridor.

Per Chapter 7 of the General Plan, Limited Commercial (LC) zoning is listed as a primary zoning category within the Mixed Use Activity District. The proposed rezoning is consistent with the Mixed Use Activity Character Area Designation and the goals for creating strong commercial centers. Allowing rezoning of the site to a LC District will provide opportunity for the development of neighborhood commercial uses to support the surrounding community. Staff reviewed the request and determined it is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Zoning District Designations:

The subject site is currently zoned RS-35. The applicant is requesting to rezone the property to LC. Per Section 11-6-1 of the Mesa Zoning Ordinance (MZO), the purpose of the LC district is to provide areas indoor retail, entertainment and service-oriented businesses that serve the surrounding residential areas. The applicant intends to open a dog training and boarding facility on the site which fall under the definition of a kennel. Per Table 11-6-1 of the MZO, a SUP is required for kennels in the LC zoning district.

Special Use Permit:

Per Section 11-70-5(E) of the City of Mesa Zoning Ordinance, the Planning and Zoning Board shall find the following criteria are met for approval of a SUP:

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 rezone of the property to Limited Commercial and SUP for a dog kennel are consistent with the commercial uses supported by the Mixed-Use Activity District Character Area. In this character area, the General Plan encourages, “[r]etrofitting existing commercial centers and corridors into neighborhood villages and mixed-use community activity centers that draw upon the surrounding neighborhoods for their identity and main customer base. The proposed canine training and boarding facility, in conjunction with the planned retail development to the west, will revitalize these parcels with a diverse mix of in-demand retail and commercial uses.

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 any other applicable City plan or policies;

The existing building meets the development standards of the Limited Commercial district and will be maintained with the new proposed use. As detailed above, the operational characteristics of the canine training and boarding facility will ensure its compatibility with surrounding land uses.

The proposal meets this criterion.

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and

The proposed retrofitting and improvements to the existing buildings, coupled with the outlined procedures for the operation of the facility, have been tailored to mitigate and eliminate any noise and nuisance concerns that typically arise with a proposed dog kennel. Enhanced sound attenuation, staff supervision and monitoring, and maintenance procedures will ensure that the facility is quiet and unobtrusive to surrounding neighbors.

The proposal meets this criterion.

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

The utilities and facilities provided by the existing building are adequate for the proposed use.

The proposal meets this criterion.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RM-4-BIZ Multiple Residence	North RM-4-BIZ Multiple Residence	Northeast PS Community College
West LC Vacant	Subject Property RS-35 Private School	East PS Community College
Southwest LC Commercial	South LC Commercial	Southeast PS Community College

Compatibility with Surrounding Land Uses:

The subject site is adjacent to a group commercial center to the south which is zoned Limited Commercial. The property to the north is zoned RM-4 and is a multiple residence development. To the east is a community college and to the west property that is zoned LC. The proposed rezoning will not be out of character with the surrounding developments.

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, and registered neighborhoods within one mile of the site.

The applicant also held a virtual neighborhood meeting on May 24, 2022, at 5:30 PM. No neighbors attended the meeting, and the applicant did not receive any comments or concerns about the project.

As of writing this report, staff has not received any comments from surrounding property owners. The applicant will be providing an updated Citizen Participation Report to staff prior to the July 13, 2022, Study Session. Staff will provide the Board with any new information during the scheduled Study Session.

Staff Recommendation:

Based on the application received and the preceding analysis, staff finds that the rezone request from RS-35 to LC and SUP is consistent with the Mesa 2040 General Plan, meets the purpose of the LC zoning district outlined in Section 11-6-1, and the meets the approval criteria for a Special Use Permit per Section 11-70-5(E) of the MZO; therefore, staff recommends approval with the following conditions.

Conditions of Approval:

1. Compliance with all City development codes and regulations.

2. Any future development of the site shall require Site Plan Review and approval in accordance with the MZO.
3. Any future development of the site shall require Design Review and approval in accordance with the MZO.
4. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.

Exhibits:

Exhibit 1-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3-Application Information

3.1 Project Narrative

3.2 Preliminary Site Plan

3.3 Citizen Participation Plan

Exhibit 4-Citizen Participation Report