



City Council

ZON22-00829 - Appeal

Mary Kopaskie-Brown, Planning Director
Rachel Nettles – Assistant Planning Director

January 19, 2022
1



Appeal Before Council

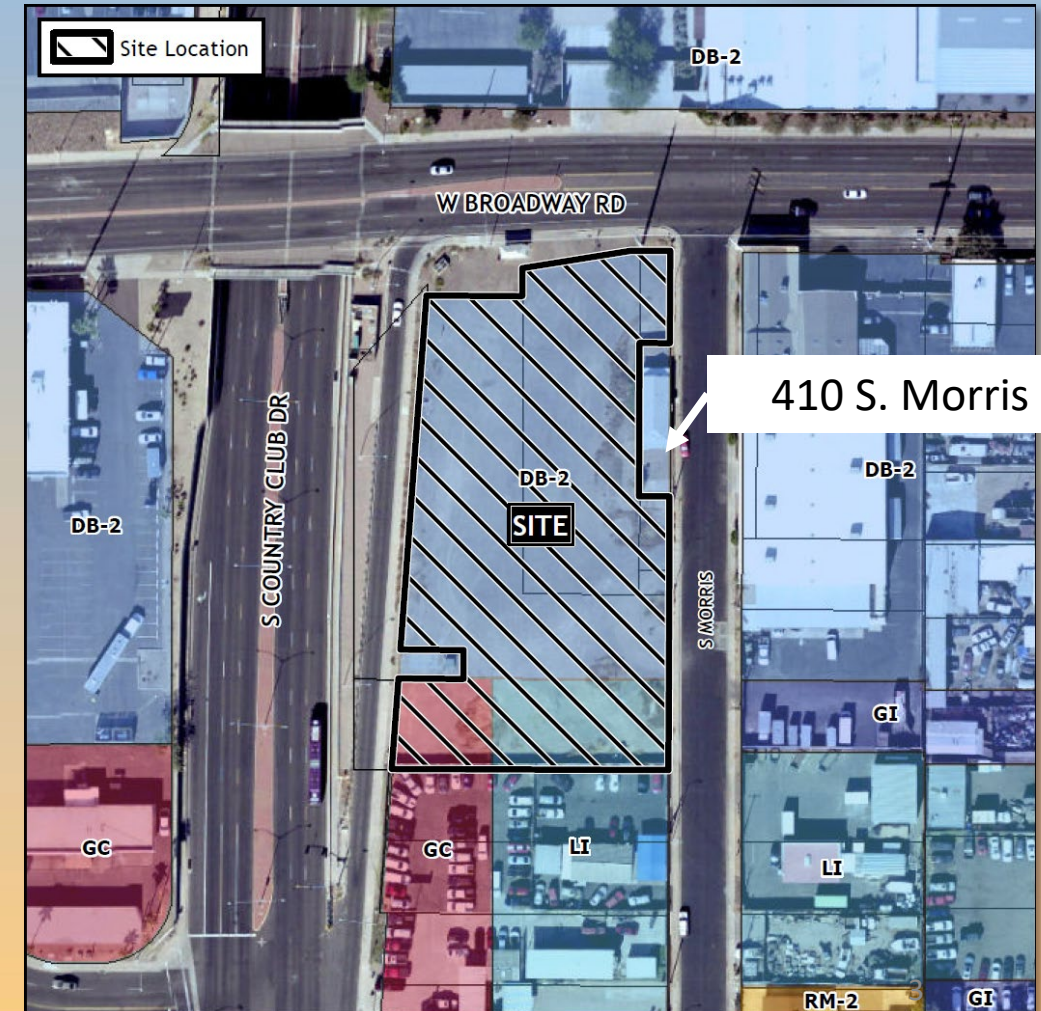
- Planning & Zoning Board's approval of an Initial Site Plan
- Site Plan allows for development of a self-storage facility





Location

- Proposed Project
 - South of Broadway Road
 - East of Country Club Drive
- Appellant located at 410 S. Morris





Appeal Process

Chapter 77 of the Mesa Zoning Ordinance - Requirements

- Appeals may be filed by the applicant, property owner, or by any other aggrieved person
- Must be filed within 15-days of the approving body's action
- Must contain specific information as outlined by the MZO, including grounds for the appeal
- Appeals to City Council:
 - After a public hearing, Council may **affirm, reverse or modify the pervious decision**; or
 - **Remand the matter back** to the Planning & Zoning Board



Subject Appeal

- Filed by John Conover, owner of single-family residence located east of the subject property
 - Met the criteria of Chapter 77 for consideration
 - Claims Planning & Zoning Board:
 - Lacked the authority to approve the site plan
 - Requests that a CUP be obtained for the portion of the property that requires a CUP for self-storage

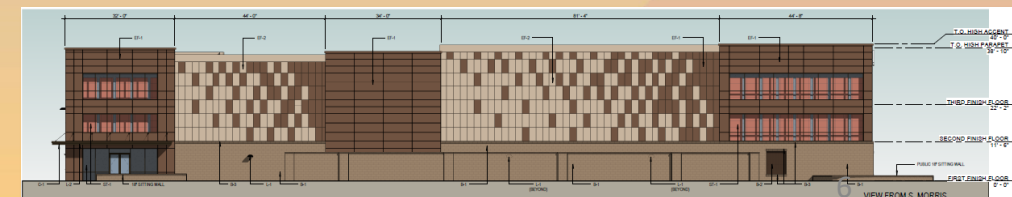




Subject Appeal (continued)

Grounds for the appeal:

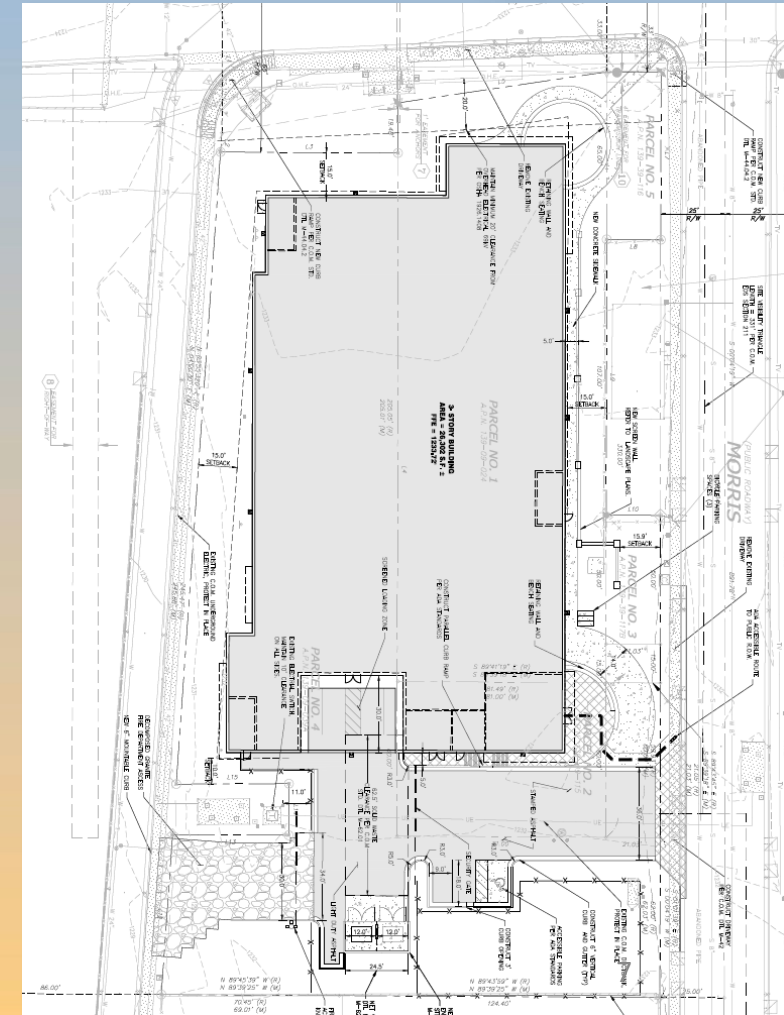
- Site Plan covers three zoning districts, one of which does not allow for self-storage without an additional CUP
- City's public participation requirements were not met
- Planning and Zoning Board failed to add conditions of approval that would properly protect the rights of the appellant's property





Proposed Project - Site Plan

- 26,302 square foot 3-story building - Access from Morris
- 15-foot setback from residential property (10 feet required)
- 6-foot screen wall proposed adjacent to residential property
- 10 feet of landscape area on residential side





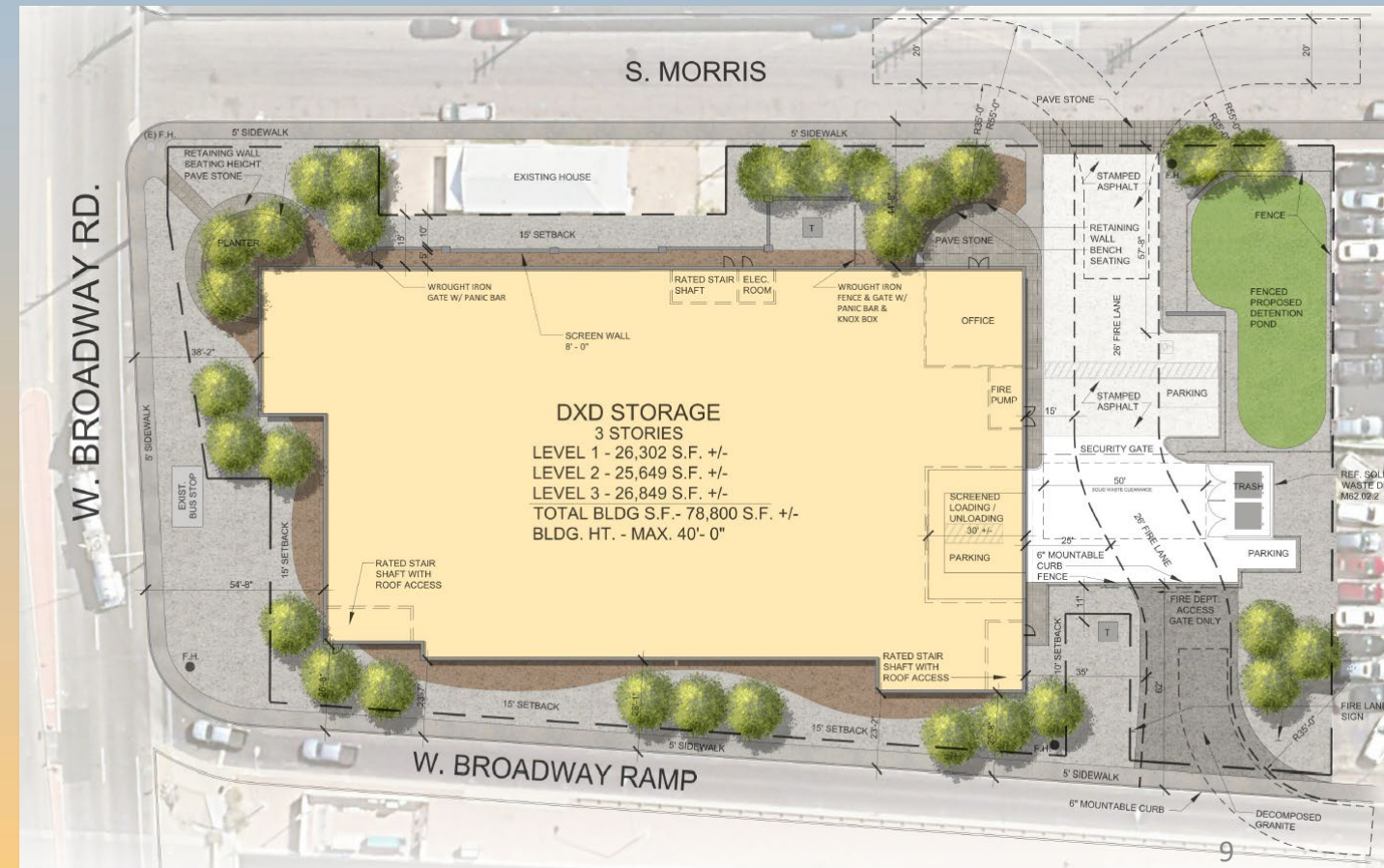
Site Plan Design Criteria

- Consistent with General Plan and Previous approvals
- Enhance appearance of the site – functional and compatible with neighboring uses - pedestrian oriented design
- Crime Prevention Through Environmental Design - reduce victimization, deter offender decisions that precede criminal acts, and build a sense of community



Proposed Project - Landscape Plan

- Based on comments from the Design Review Board, applicant provided a wrought iron gate with Panic Bar
- Provided an expanded Pedestrian Area to encourage walkability





General Plan Designation

Employment

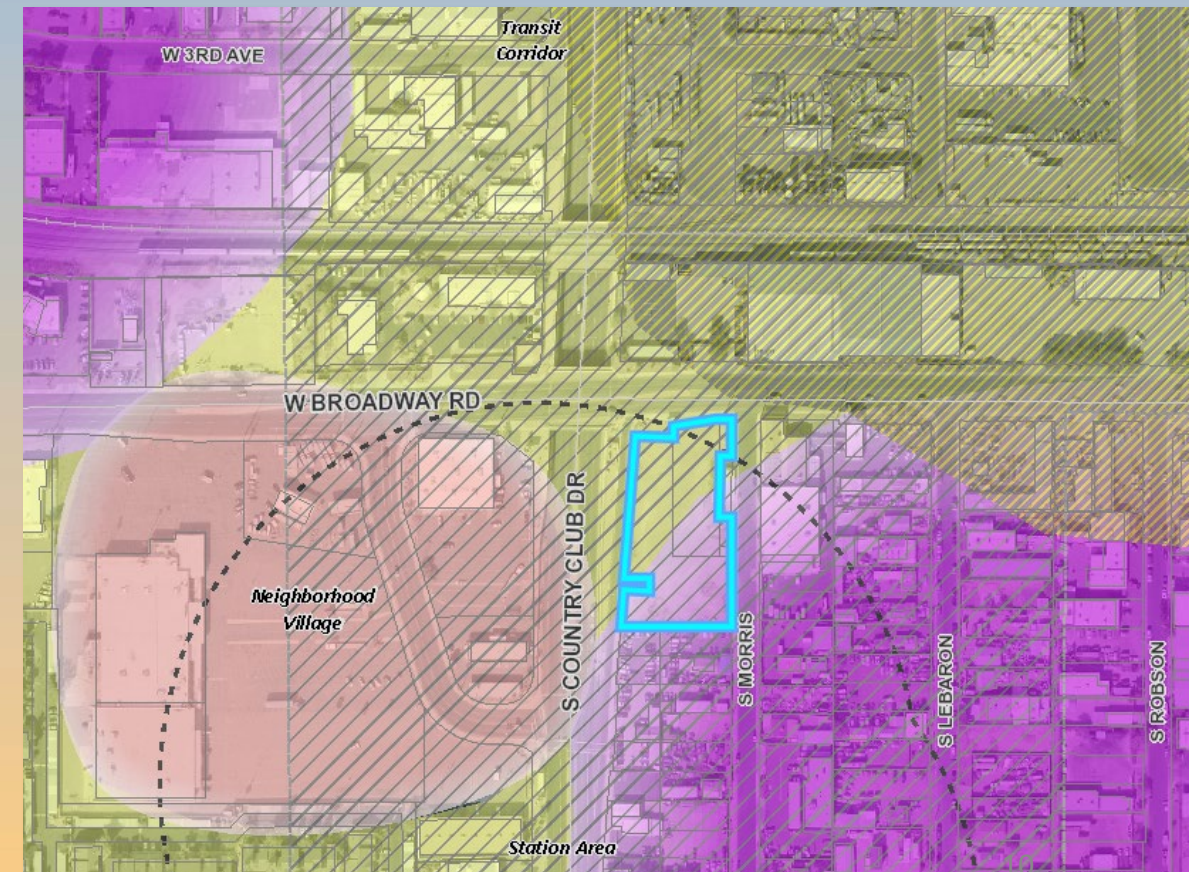
- Variety of places to work, including warehousing/storage

Neighborhood

- Clean, safe and healthy places to live

Transit - Station Area

- Area designated for a consistent high level of transit options





Zoning

Downtown Business 2

- 1.3 acres
- Self Storage Facility a permitted use
- Other Permitted Uses (without CUP)
 - Community Centers, Dog Kennels/Pet Store, Banks, Commercial Recreation, Bars/Clubs/Lounge, Mortuary, Laboratories, Offices, Tattoo Parlor, Manufacturing

General Commercial

- 0.1 acres
- Retention a permitted accessory use

Light Industrial

- 0.18 acres
- Parking a permitted accessory use





Zoning Administrator Interpretation

(Interpretation is Not Before Council)

- **Principal Use:**
 - Defined as: A primary or dominant use established, or proposed to be established, on a lot or parcel of land.
 - Subject to **Articles 2, 3, and 6** and development standards in **Articles 4 and 6** (MZO)
- **Accessory Use**
 - Defined as: A use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use nor serve property other than the lot or parcel of land on which the principal use is located. "Appurtenant use" means the same as accessory use.
 - Subject to **Article 2 and 3** and Chapter 31 (MZO)
 - Accessory uses customarily related to the principal use, such as parking or retention:
 - Permitted in conjunction with the primary use;
 - Allowed in zoning districts per the land use tables in Articles 2 and 3; and
 - Subject to the specific use standards for the primary use per Chapter 31.
- Multiple or split zoning, an accessory use that is located on the same lot as the principal use, may be an allowed and located in a zoning district other than the principal use.



Staff Recommendation

- ✓ Complies with the 2040 Mesa General Plan
- ✓ Complies with Criteria in Chapters 69 for Site Plan Review

Staff recommends City Council Affirm Planning & Zoning Board's Approval with Conditions



City Council



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