

## MINUTES OF THE JANUARY 27, 2021 PLANNING & ZONING MEETING

- \*4-c ZON20-00609 District 1.** 731 North Alma School Road. Located north of University Drive on the east side of Alma School Road. (1.2± acres) Rezone from OC to RS-6. This request will allow for a single residence use. Randal L. Courtney, applicant; Randal L. Courtney, owner. **(Continued from January 13, 2021)**

**Planner: Charlotte Bridges**

**Staff Recommendation: Approval with conditions**

**Summary:** Staffmember Charlotte Bridges presented case ZON20-00609 to the Board. Ms. Bridges stated this is a request to rezone a property from Office Commercial (OC) residential single family (RS-6). The purpose is to bring the existing single-family use into conformance with the zoning ordinance. The General Plan designation for the subject property is Neighborhood with a Suburban Subtype. The primary use within the Neighborhood Suburban Character Area is single family residence, but it also allows for multifamily and commercial uses in support of the neighborhood. The existing detached single-family residence is consistent with the purposes and goals of the General Plan.

Ms. Bridges explained the proposed zoning district is RS-6, and there is an existing single-family home on the property. A detached accessory building and an accessory dwelling unit are permitted accessory uses in single residence districts. The proposed additions, including an accessory dwelling unit, shown on the proposed site plan are built in compliance with the Mesa Zoning Ordinance development standards.

A site plan was submitted by the applicant and shows the existing residence and includes the proposed garage and an accessory dwelling unit addition. She explained that Site Plan Review is not required for a single-family residence in the City of Mesa. Any modifications to the site are required to meet the Mesa Zoning Ordinance development standards and obtain a building permits to be constructed.

The applicant did complete a Citizen Participation Plan and held two public meetings, one at the subject site and one virtual meeting. Staff has received several comments and emails from property owners in the area that indicated that they are in support of this request. Those emails were included within the Citizen Participation Report that was included in the packet.

Staff did receive a call on Tuesday from Tonya Collins who is a Co-Chair of the Mesa Grande Community Alliance. Ms. Collins stated she wanted to confirm the purpose of the request. Ms. Bridges explained Ms. Collins informed her that the neighborhood group would be meeting on Thursday to discuss the request. Depending on the outcome of the discussion, the Alliance may submit a letter to the City Council as a part of the final review of the project. At the time, Ms. Collins did not have any concerns or comments about the project.

In summary, the existing use is permitted in the RS-6 district. The proposed request complies with the 2014 Mesa General Plan and the Mesa Zoning Ordinance. Staff is recommending approval with conditions.

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Boardmember Boyle stated he has a concern that stems from a previous owner's request in 2019, to turn the property into a group home. The request was denied because there is another group home within 500 feet of this one. He continued, that in West Mesa, there are quite a few unregistered group homes. As far as he understands, it is because some group homes do not have the same separation requirements as others. He explained the neighborhood is concerned when something that was proposed as a group home and is now requesting zoning district that would allow an unregistered group home. The current commercial zoning would not permit a group home. He stated his question is to verify that this applicant is a different owner, and that it is not the applicant's intent to open a group home at the subject site. Also, Boardmember Boyle asked staff if a condition of approval could be added stipulating that the subject site never be used as an unregistered group home.

Planning Director Nana Appiah responded to Mr. Boyle's questions. Dr. Appiah stated the applicant may be available online to address his questions about ownership and concerns operating a group home at the subject site. As far as the question regarding a condition of approval, Dr. Appiah explained we cannot add a condition of approval to prevent the subject site from becoming a group home. The Mesa Zoning Ordinance only allows for restrictions of uses through a Development Agreement.

Mr. Boyle inquired about the time frame and process for a development agreement if it were added as a condition of approval. He also stated he would be satisfied if the owner stated in good faith that it is not his intent to operate a group home at the subject site. He stated his concern is the use of the property could change in the future once it is rezoned.

Dr. Appiah responded that a Development Agreement is reviewed and approved by the City Council. It requires a mutual agreement between the property owner and the City Council. So, at this point, there has not been any discussion between City staff and the property owner about a Development Agreement. It is up to the Board to make a recommendation to restrict specific uses. He stated, if the Board decides to make a recommendation to restrict specific uses, it will require a Development Agreement.

Mr. Boyle stated he would like property owner to verify the purpose of the rezoning request clarify whether or not he is the same owner that sought to make this property a group home in 2019. Randall Courtney, property owner, spoke to the Board. Mr. Courtney stated he is not the owner from 2019 and only want to have his parents, who are in their 80's, come and join them as a family. He stated there no intent to turn the property into a group home of any kind.

Mr. Boyle stated he is satisfied since it is a different owner, and he is not planning on operating a group home at the property. He has no further issues with the request.

Boardmember Allen motioned to approve case ZON20-00609 with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

**That: The Board recommends the approval of case ZON20-00609 conditioned upon:**

1. Compliance with all City development codes and regulations.

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Vote: 7-0 Approval with conditions

Upon tabulation of vote, it showed:

AYES – Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

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**Note:** Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at [www.mesaaz.gov](http://www.mesaaz.gov)