



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

July 7, 2021

CASE No.: **BOA21-00301**

CASE NAME: Arizona Pain Relief

Owner's Name:	Thomas Moshiri
Applicant's Name:	Tamimi Architects
Location of Request:	6859 E. Rembrandt Ave. Suites 101-109
Parcel Nos:	304-17-208A
Nature of Request:	Requesting a Special Use Permit to allow for an Outpatient Surgical Center in the Light Industrial zoning district.
Zone District:	Light Industrial (LI)
Council District:	6
Site size:	14,424 square feet
Proposed use:	Outpatient Surgical Center/Clinic
Existing use:	Medical Office
Hearing date(s):	July 7, 2021 / 5:30 p.m.
Staff Planner:	Chloe Durfee-Sherman
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **October 23, 1998**, the City Council annexed approximately 154± acres, including part of the subject site, into the City of Mesa (Case No. A98-004; Ordinance No. 3535).

On **February 3, 2000**, the City Council annexed approximately 82± acres, including part of the subject site, into the City of Mesa (Case No. A98-009; Ordinance No. 3727).

On **December 21, 1998**, the City Council zoned 141± acres of recently annexed land to R1-43, R1-43 AF, including part of the subject site (Case No. Z98-103; Ordinance No. 3577)

On **April 5, 1999**, the City Council rezoned 82± acres, including part of the subject site, from R1-43 to C-2, R-3, M-1, and M-2, (Case No. Z99-016; Ordinance No. 3610)

On **July 6, 2004**, the City Council approved a rezone of 13.8± acres from M-1 to PEP-PAD, M-1 PAD, M-1, and approved a site plan for a commercial, office, and light industrial development (Case No. Z04-048; Ordinance No. 4229).

On **August 4, 2004**, the Design Review Board reviewed an 50,864 sq. ft. office project and a 32,230 sq. ft. office/warehouse (Case No. DR04-050).

On **May 22, 2006**, the City Council approved a site plan and PAD modification for 3.8± acres of the 13.8± acre development, which included the subject site (Case No. Z06-028; Ordinance No. 4544).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to allow for a clinic/outpatient surgery center use in an existing building in the Light Industrial (LI) zoning district. The subject site is located within the San Tan Commerce Court condominium complex on the east side of Power Rd. just south of Rembrandt Ave. The existing building is 21,720 sq. ft.; the clinic/outpatient surgery center use would occupy suites 101-109, as shown on the site plan, for a total of 14,424 sq. ft.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character area designation on the property is Mixed Use Activity /Employment District. Per Chapter 7 of the General Plan, the overall 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. The overall goal of the Employment character area is to provide a wide range of employment opportunities in high-quality settings. The proposed clinic/outpatient surgery center is located in a larger commercial center and adds to a mixture of uses, complying with the intent of the character areas by providing services and employment to nearby populations.

The subject site is located within the Gateway Strategic Development Plan, which has the goal to establish a vision for the growth of this unique area and a framework for future environmental, social, and economic sustainability. The proposed clinic/outpatient surgery center will help further this goal by creating growth in both jobs and opportunities available to those located nearby.

The site is also located in the Inner Loop District portion of the Gateway Strategic Development Plan. Developments within the Inner Loop District should provide a high-quality, mixed-use environment that is compatible with increasing over flight activities associated with Phoenix Mesa Gateway Airport operations. Any development within the area should demonstrate how it would not impede the future growth and development of the airport and how it will contribute to the overall goal of establishing a major job center.

Per Chapter 5 of the General Plan, healthcare is identified as an industry of opportunity for the City of Mesa. The proposed clinic/outpatient surgery center would help grow opportunities for

healthcare access and jobs within Mesa, which is consistent with the Economic Development goals of the General Plan.

Site Characteristics:

The subject property is located in the San Tan Commerce Court condominium complex east of Power Rd., just south of Rembrandt Ave., and north of Warner Rd. The existing building is 21,720 sq. ft.; the clinic/outpatient surgery center use would occupy suites 101-109, as shown on the site plan, for a total of 14,424 sq. ft. There are several other medical offices along with other offices within the surrounding suites and other complexes.

Surrounding Zoning Designations and Existing Use Activity:

Northwest LI & LC Agriculture/Agri- Entertainment	North LI Agriculture/Agri- Entertainment	Northeast LI Agriculture/Agri- Entertainment
West LI Medical Offices & Offices	Subject Property LI Medical Offices	East LI Medical Offices & Offices
Southwest LI-PAD & LC RV and Boat Storage/Retail	South LI-PAD RV and Boat Storage	Southeast LI-PAD RV and Boat Storage

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-70-5 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on a SUP that:

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 subject site is located within the Mixed-Use Activity District (MUAD) /Employment Character Area of the Mesa 2040 General Plan. The focus of the MUAD Character Area is to provide large-scale community and regional activity areas that usually have a significant retail commercial component and include shopping areas such as malls, power centers, or lifestyle centers designed and developed to attract customers from a large radius. The MUAD further encourages a mixture of uses, including services, medical and professional offices. The focus of the Employment character area is to provide a wide range of employment opportunities in high-quality settings. The clinic/outpatient surgical center is located within a commercial center and adds to a mixture of uses and employment opportunities provided to those nearby, complying with the General Plan.

The proposal meets this criteria.

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 conforms with the General Plan and any other applicable City plan or policies;

The intent of the Light Industrial (LI) District is to provide areas for limited manufacturing and processing, wholesaling, research, warehousing, and distribution activities that take place within enclosed buildings, with restricted accessory outdoor storage as needed to support the primary uses. This district also provides for a full range of commercial activities, generally on a limited scale, including high-impact commercial uses, outdoor display and outdoor sale. A clinic/outpatient surgical center is a permitted use in the LI district with the approval of a SUP.

The proposal does meet this criteria.

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 clinic/outpatient surgical center will not be injurious or detrimental to the surrounding properties as it is a permitted use within the zoning district with a SUP.

The proposal meets this criteria.

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

The addition of the clinic/outpatient surgical center does not add any additional burden on the public services, public facilities, nor public infrastructure. The public infrastructure is already on-site and will adequately serve the site and proposed use.

The request meets this criterion.

Findings:

- A. The subject site is in a commercial center.
- B. Clinics/outpatient surgical centers are a permitted use in the LI district with the approval of a SUP.
- C. The subject site is outside of the Airport Overflight Areas One and Two (AOA 1 & AOA 2).
- D. There are no other requirements for the clinic/outpatient surgical center beyond the SUP; the proposed change of use will not trigger any additional code requirements.
- E. This request conforms with the criteria for the granting of a SUP as outlined in Section 11-70-5(E) of the Mesa Zoning Ordinance.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 500 feet of the site. The applicant received one call from a neighbor asking about the use of the building. The applicant informed the neighbor that it would be an outpatient medical clinic, after which the neighbor expressed no concerns. As of writing of this report, staff has not been contacted by any resident or property owner to express support or opposition to this request.

Staff Recommendation:

Based upon the application received and preceding analysis, Staff finds the request for a SUP for a clinic/outpatient surgical center in the LI zoning district meets the approval criteria of Section 11-70-5(E), and therefore recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan and project narrative as submitted.
2. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
3. All signage to be reviewed and approved through a separate permit application.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Elevations