



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**May 6, 2020**

CASE No.: <b>BOA19-00368</b>	PROJECT NAME: <b>Pioneer Place</b>
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Owner's Name:	Foster Arizona
Applicant's Name:	Jon Gillespie, Pew & Lake
Location of Request:	525 East Broadway Road and within the 400 block of South Pioneer (west side).
Parcel No(s):	139-24-034C
Request:	Requesting a Development Incentive Permit (DIP) to allow deviations to certain development standards for a commercial and multi-residence development.
Existing Zoning District:	Limited Commercial (LC) and Multiple Residence RM-2 Districts
Council District:	4
Site Size:	.85± acre
Proposed Use(s):	Office and Multiple Residences
Existing Use(s):	Place of Worship and accessory residence
Staff Planner:	Charlotte Bridges
Staff Recommendation:	<b>APPROVAL</b> with Conditions

**HISTORY**

On **July 10, 1930** the subject site was annexed into the City of Mesa as part of a 551± acre annexation (Ord #157).

**PROJECT DESCRIPTION**

**Background:**

The applicant is requesting a Development Incentive Permit (DIP) to allow for deviations from certain development standards for the development of a 16,032 square foot, two-story building with office space and nine dwelling units.

The purpose of a DIP is to provide incentive for the development of smaller tracts of land that would have difficulty meeting current development standards, having been bypassed by previous developments, and where land assembly either is not available, or is available only to a limited extent.

Maricopa County Assessor information indicates that the .85± acre site was originally developed in the late 1940's. The existing structures on the property will be removed to accommodate the new development. The subject site has split zoning with approximately 44% of the site within an LC zoning and 56% of the site within a RM-2 District. The proposed development must meet the development standards of the zoning district which it is within, including setbacks, density, height, land use etc.

The northern 125 feet of the lot is zoned LC. Multiple residence uses are permitted in the LC District with a minimum of 40 percent of the gross floor area (GFA) reserved for non-residential uses; a minimum of 65 percent of the ground floor of the building reserved for non-residential uses; and a maximum residential density not to exceed 25 dwelling units per acre, per Section 11-31-31(A) of the MZO. The portion of the building within the LC District complies with this criterion having 41.9% of the GFA reserved for non-residential uses; 67.7% of the ground floor area (2,472± square feet) reserved for non-residential uses; and a maximum residential density of 5.4 dwelling units per acre. The southern 145 feet of the lot is zoned RM-2. Multiple residence uses are permitted in the RM-2 District with a maximum density of 15 dwelling units per acre, per Section 11-5-2 of the MZO.

Per Section 11-2-3(L) all setbacks adjacent to a street with planned future expansion shall be measured from the future right-of-way width. Currently, the half street right-of-way width along Broadway Road is 33-feet. A future City of Mesa Capital Improvement Project planned for Broadway Road requires right-of-way dedication to provide a 50-foot half street right-of-way. This will result in a 10-foot front setback. However, given site constraints, the reduced setbacks are compatible and consistent with surrounding uses and the development pattern along Broadway Road.

**General Plan Character Area Designation and Goals:**

The Mesa 2040 General Plan character area designation on the property is Neighborhood with a Traditional sub-type. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The Traditional sub-type is predominately single residences but may contain a variety of other uses including commercial and office activities along one street or in close proximity. Staff has reviewed the request and determined it is consistent with the criteria for review outlined in Chapter 15 of the Mesa 2040 General Plan.

The subject site is also within the Central Main Street Area Plan and identified as part of the Temple/Pioneer Park Neighborhood Planning Area with a recommended building form and development of "Neighborhood Evolution". The plan envisions this area evolving over time to consolidate commercial uses into nodes at the intersections of Broadway Road/Mesa Drive and Broadway/Horne and integrating multiple residential uses into the adjacent neighborhoods. The

proposed office and multiple residence development will contribute to the vitality of the neighborhood and complies with the Central Main Street Area Plan recommendations.

**Site Characteristics:**

The subject site, located on the southwest corner of East Broadway Road and South Pioneer, is .85± acres in size and is zoned Limited Commercial (LC) and Multiple Residence (RM-2). The existing buildings on the site will be removed and a new building constructed with office and residential uses. A total of nine residential units are proposed, two residential units in the portion of the building located in the LC District and seven residential units in the portion of the building located in the RM-2 District. A new driveway will provide access at Broadway Road to the site. The existing driveway access at Pioneer will be removed and a new driveway will be installed at Pioneer to provide access to the southern portion of the site.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> (Across Broadway Road) LC Existing Commercial	<b>North</b> (Across Broadway Road) GC and LC Existing Commercial	<b>Northeast</b> (Across Broadway Road and Pioneer) LC Existing Single Residence
<b>West</b> LC and RM-2 Existing Commercial and Single Residence	<b>Subject Property</b> LC and RM-2 Existing Place of Worship and Accessory Residence	<b>East</b> (Across Pioneer) LC and RM-2 Existing Place of Worship
<b>Southwest</b> RM-2 Existing Multiple Residence	<b>South</b> RM-2 Existing Duplex	<b>Southeast</b> (Across Pioneer) RM-2 Existing Single Residence

**Mesa Zoning Ordinance Requirements and Regulations:**

**Additional Development Standards for Residential Uses and Commercial Districts Section 11-31-31 of the MZO**

Per Section 11-31-31(A) of the MZO, residential uses are permitted in the LC District, provided:

1. A minimum of 40 percent of the Gross Floor Area (GFA) of the entire project is reserved for non-residential uses.

**The proposed building will straddle the LC and RM-2 zoning districts on the subject site. Approximately 7,094 square feet (GFA) of the proposed building would be within the LC district, 2,973 square feet of which will be non-residential uses. Therefore, 41.9% of the building within the LC District will be for non-residential uses, exceeding requirements of Section 11-31-31(A)(1).**

***The proposal complies with this criterion.***

2. A minimum of 65 percent of the ground floor of each building remains reserved for non-residential uses.

***As proposed, the total ground floor area in the LC District is 3,648 square feet. Approximately 2,472 square feet of the ground floor area (67.7%) will be non-residential uses.***

***The proposal complies with this criterion.***

3. Maximum residential density shall be no more than 25 dwelling units per acre.

***The portion of the subject site within the LC zoning is approximately 0.37 acres. The proposal includes two residential dwelling units in the LC District equating to 5.4 dwelling units per acre.***

***The proposal complies with this criterion.***

**Development Incentive Permit (DIP) Section 11-72 of the MZO**

Per Section 11-72-1 of the MZO, the purpose of a DIP is to provide incentives for the development of smaller tracts of land that would have difficulty meeting current development standards.

The applicant is requesting a DIP for modifications to certain current development standards to allow development of an .85±-acre site with a 16,032 square foot, two-story building with office space and nine dwelling units. The subject site qualifies as a by-passed parcel as it is less than 2.5 acres and has been in its current configuration for more than 10 years, has access to City utilities, is within an area where not more than 25% of developable land is vacant and more than 50% of the parcels have been developed for more than 15 years. The requested incentives will result in a development that is commensurate with existing development in the area.

Table 1 below compares Mesa Zoning Ordinance (MZO) requirements, applicant’s proposal and staff recommendation for the site. Items in **bold face type** indicate deviation from MZO requirements:

**Table 1 Development Standards**

Development Standard	MZO Requirement	Applicant Proposal	Staff Recommendation
Right-of-Way Dedication – Broadway Road (½ street width)	65’	<b>50’</b>	<b>As proposed</b>
Building setback: Broadway Road (4-lane arterial)			
LC District	15’	<b>10’</b>	<b>As proposed</b>
Pioneer (local street)			
LC District	20’	<b>10’</b>	<b>As proposed</b>
RM-2 District	20’	<b>10’</b>	<b>As proposed</b>
Landscape setback: Broadway Road	15’	<b>10’</b>	<b>As proposed</b>

Development Standard	MZO Requirement	Applicant Proposal	Staff Recommendation
Pioneer (local street) LC District RM-2 District South Property Line West Property Line	20' 20' 30' 30'	10' 10' 8' 16'	As proposed As proposed As proposed As proposed
Interior Parking Lot Islands	3 – 8' X 15' islands	2 – 6' X 15' islands	As proposed
Parking Spaces Commercial – 1 space per 375 SF Multiple Residence – 2.1 spaces per unit	Total = 27 spaces 8 spaces 19 spaces	Total = 22 spaces	As proposed
Covered Parking Spaces Multiple Residence – 1 covered space per unit	9 covered spaces	0 covered spaces	As proposed
Parking spaces on main drive aisle distance from property line	50'	Broadway Road = 15'6" Pioneer = 20'	As proposed
Pedestrian interior walkway width	5'	4'	As proposed (Meets ADA requirements)

Per Section 11-72-1 of the MZO, a Development Incentive Permits (DIP) may be approved to allow incentives for the development of parcels that meet the following criteria:

A. AREA

1. Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years; or
2. Total area of the site does not exceed 5 net acres and was created by the assembly of 2 or more individual, contiguous parcels.

***The subject site is .85± acres and has been in its current configuration for more than 10 years.***

***The proposal complies with this criterion.***

- B. UTILITIES. The parcel is served by, or has direct access to, existing utility distribution facilities.

***The parcel has access to utilities in University Drive.***

***The proposal complies with this criterion.***

- C. SURROUNDING DEVELOPMENT. The parcel is surrounded by properties within a 1,200-foot radius in which:

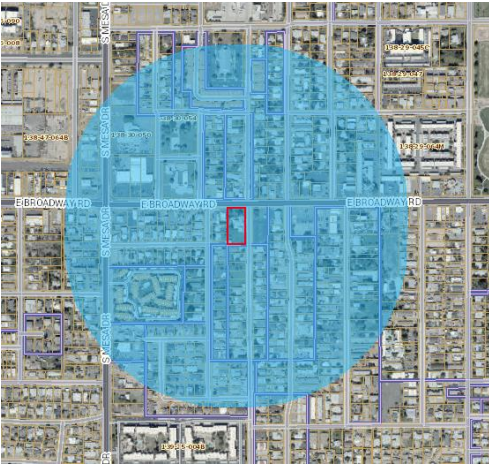
1. The total developable land area is not more than 25 percent vacant; and
2. Greater than 50 percent of the total numbers of lots or parcels have been developed

15 or more years ago.

**Based on current aerial photography, only a handful of sites within the 1200-foot radius of the property are vacant. Comparing the 2006 Maricopa County aerial photo with the current aerial photo, it shows more than 50 percent of the total number of lots were developed more than 15 years ago.**

**The proposal complies with this criterion.**

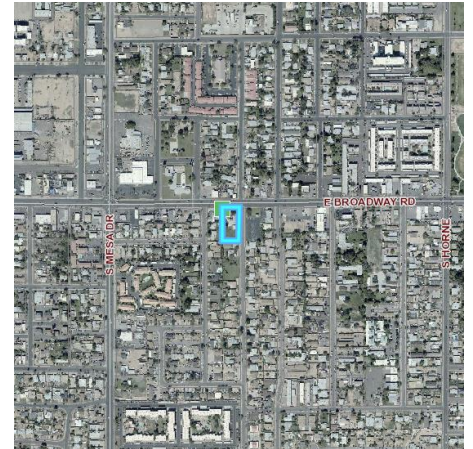
1,200-foot buffer current aerial photo



2006 Aerial photo



2019 Aerial photo



MZO 11-72-3 states that a DIP shall not be granted unless the Board of Adjustment finds sufficient evidence based on the following criteria:

- A. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/policies, and the permitted uses as specified in this Ordinance; and

***The development is consistent with the General Plan designation for this area of "Neighborhood". The proposed office and multiple residence development conforms to the goals of the General Plan land use character area designation by redeveloping an underutilized property, providing additional housing options in the neighborhood and contributing to the vitality surrounding community.***

***The request complies with this criterion.***

- B. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1,200-foot radius of the by-passed property; and,

***The incentives will allow for development that is commensurate with existing development within a 1,200 feet radius of the property. The proposed building and landscape setback is consistent with other properties along Broadway Road in this neighborhood.***

***The request complies with this criterion.***

- C. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.

***A Site Plan associated with the project will be reviewed by the Planning and Zoning Board on May 13, 2020. The Design Review Board will discuss the project at their May 12, 2020 Work Session. The proposed project meets the intent of the Design Standards of the Ordinance.***

***The request complies with this criterion.***

#### **Findings**

- A. The site is .85± acre and has been in its current configuration for more than 10 years.
- B. The site is served by, or has direct access to, existing utilities.
- C. Multiple Residences are permitted in the RM-2 District with a maximum density of 15 dwelling units per acre per Table 11-5-2 and Table 11-5-5 of the MZO.
- D. The project meets the criteria of Section 11-31-31 of the MZO to allow residential uses in the LC District.
- E. The total developable land area within 1,200 feet of the site is not more than 25 percent vacant.
- F. Greater than 50 percent of lots within 1,200 feet of the site have been developed for more than 15 years.
- G. This requested deviations through the DIP will allow for the development of a bypassed parcel.
- H. The proposed development is consistent with the General Plan designation character are of Neighborhood.
- I. The requested modifications will result in a development that is commensurate with existing development in the vicinity.
- J. Compliance with Site Plan Review approval (Case# ZON20-00037) and Design Review approval (Case# DRB20-00038) to ensure the level of site improvements, architectural detailing and design elements on the building will meet the intent of the Design Standards of the MZO.

#### **Neighborhood Participation Plan and Public Comments:**

The applicant mailed the required notification letters to all property owners within 500 feet of the site.

Staff received several comments/concerns from surrounding property owners. Copies of the correspondence received by Staff is included in the Board of Adjustment packet information for reference. In response to public comment, the applicant held a “virtual meeting” on Thursday, April 30, 2020 with the interested neighbors to answer their questions. A summary of the neighborhood virtual meeting is included in the Board of Adjustment packet for reference.

Staff will provide the Board with any new information regarding the project during the scheduled Study Session on May 6, 2020

**Staff Recommendations:**

Based on the application received and preceding analysis, staff finds the request for a Development Incentive Permit meets the required findings of Section 11-72-1 and 11-72-3, and therefore recommends approval with the following conditions:

**Conditions of Approval:**

1. *Compliance with the final site plan as submitted.*
2. *Compliance with all City development codes and regulations, except as identified in Table 1 of this report.*
3. *Compliance with all requirements of ZON20-00037 for site plan approval.*
4. *Compliance with Design Review approval.*
5. *Compliance with ADA requirements for the interior pedestrian walkways.*
6. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*

**Attachments:**

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Project Narrative
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan
- Exhibit 6 – Color Elevations
- Exhibit 7 – Floor Plan
- Exhibit 8 – Letters of Opposition – Burt Neptune & Mark Glover