



Memorandum

Date: November 9, 2015
To: Mayor and City Council
Through: Karolyn Kent, Assistant City Manager
From: Christine Zielonka, Development Services Director
John D. Wesley, AICP, Planning Director
Subject: Update to Case Z15-026, Rezoning and Site Plan Review at Southern and Sossaman

This memorandum addresses two items with regards to the consideration of this request:

- Modifications to the site plan to meet City requirements
- Consistency with the General Plan

Modifications to the Site Plan

This case was on the Planning and Zoning Board (P&Z) hearing on September 16. The staff recommendation at that time was for denial. At the P&Z hearing, the applicant presented some new material and a revised site plan (Version II) that addressed some of the concerns of the P&Z. Based on the information received and discussion at the P&Z hearing, the Board has recommended approval.

Following the P&Z hearing, staff identified that the revised site plan (Version II) reviewed by P&Z had some design items related to streets, parking and solid waste that did not meet City requirements. Staff and the applicant have met and discussed these items. The applicant has responded and modified the site plan (Version III) to satisfy all of the City's requirements. The attached site plan (Version III) and amenity area plan reflect the latest version of the site plan. Approval of the application would approve these plans. The final plan meets all staff requirements for parking, location of parking, and solid waste concerns.

Consistency with the General Plan

The new General Plan approved by the voters last year takes a more flexible approach to land use designation than the previous Plan. The "character types" being used and the soft edges to the boundaries allow for Council to consider each development proposal on its merits rather than just whether or not it is the same as the color shown on the land use plan map. Under the new General Plan, the question of consistency with the Plan involves a more full review of how the proposal addresses the goals of creating and maintaining neighborhoods, growing jobs and providing public spaces.

This property is on the edge of an area designated as Mixed Use Activity on the General Plan character area map. This character designation focuses on commercial development with supporting office and entertainment uses. Multi-residential is also allowed in support of the activity district. As staff prepared the report to the P&Z, we focused on the opportunity to create a unique living environment that would complement the Mixed Use Activity District that extends to the south. We felt there was an opportunity here to introduce a unique combination of housing types in a more urban form that would add to the sense of place and further encourage the expansion of employment opportunities in the area. Because the proposal did not do this, staff recommended denial.

As pointed out in the staff report to the Planning and Zoning Board, there are also ways this proposal does meet the General Plan goals. At the public hearing, the P&Z weighed the information from staff against input from the applicant and residents of the area who were concerned about having multi-residence development on this property and favored the proposal by the applicant. Through their review the P&Z Board determined the following:

- The design as amended meet the concerns raised about parking;
- The proposed residential design meets the design elements of Chapter 4 of the General Plan for residential neighborhoods;
- The fact that this property is separated from the remainder of the Mixed Use Activity District by Southern Avenue made it more appropriate to consider the development to be an extension of the Neighborhood character area to the north. The design meets the General Plan guidelines for this character type;
- The applicant stated they had tried to market the property to multi-residence developers but none had found the property attractive for that use; and,
- The applicant presented information based on sales of other similar products that indicate that the people who will work in the adjacent area will be likely buyers and that this development will support the continued development of the Mixed Use Activity area.

Based on this information the P&Z Board voted to recommend approval of the rezoning and site plan as conforming with the General Plan.

Legal Issue – Consistency with the General Plan

City staff has recommended denial because staff believes that the development proposal is not in conformance with Mesa's General Plan. The P&Z Board disagreed and recommended that Council adopt an ordinance that allows the development.

Council is the body that determines consistency and conformance with the General Plan. (See Mesa 2040 General Plan, Chapter 15, p. 15-1.) If Council agrees with the P&Z Board and adopts the ordinance, Council will thereby be making a finding that the rezoning and development proposal are consistent with and conforms to the Mesa 2040 General Plan in compliance with state statute A.R.S. § 9-462.01(F). This statute provides that "[a]ll zoning and rezoning ordinances or regulations . . . shall be consistent with and conform to the adopted general plan of the municipality" If Council believes the rezoning and development are not consistent with the General Plan, Council should not adopt the ordinance.