

COMMERCIAL DEVELOPMENT

406 NORTH VAL VISTA DRIVE

Mesa, Arizona

REZONE, DIP, & SUP PROJECT NARRATIVE

DECEMBER 28, 2015

PROJECT SUMMARY & REQUESTS

Pew & Lake, PLC (Applicant), on behalf of David A. Johnson (Owner), hereby submits this project narrative and supporting documents in support of a zoning change on the approximate 2.25 acres located at 406 N. Val Vista Drive in Mesa, Arizona (Property) and is commonly known as APN: 140-12-008A and 0081B. The specific requests are as follows:

- A. Rezoning from Single Residence (RS-9) to Neighborhood Commercial (NC).
- B. Special Use Permit (SUP) for a restaurant drive-thru and outdoor seating areas.
- C. Development Incentive Permit (DIP) to allow the majority of existing site conditions associated with the existing residence to remain.
- D. Site Plan approval.

If approved, these requests will accommodate the development and operation of an integrated commercial/retail development on this existing property.

HISTORICAL BACKGROUND / PRIOR USE OF PROPERTY

The residence that exists on this site was constructed in 1943 for a Dr. Wood and his family. The architectural design, construction methods, and materials used were not only remarkable for the 1940's, but would be considered distinctive today. A solid concrete roof, custom masonry block, strategic use of glass to incorporate natural light, and a unique blending of modern design elements that breaks away from the traditional aesthetics of that era. The free-standing garage (also very unique for that time) included a sitting area on the roof so the residents could enjoy wonderful views of the fields, orchards, and distant neighbors. In addition to the building itself, strategic planting of shrubs and trees were executed to provide the residence with passive shading from the summer heat. Corrals, a barn, horses, cows, a small citrus orchard, and pasture also were part of the property. It's not an exaggeration to say this residence and property has been an iconic part of east Mesa for many decades. Interestingly, this site is home to a very large silk floss tree, which are very rare for Arizona.

After the Wood family sold the home, it was occupied for many years by elderly resident who sold parakeets and parrots from her home. She was known locally as the “Bird Lady” and maintained the property until her death. As the years have passed and development blanketed this once agricultural and rural area, this residence and property have remained as an outstanding reminder of Mesa’s past.

PROJECT DESCRIPTION

As demonstrated on the Site Plan included with this application, the conversion of the existing historic residence to a bakery/restaurant is proposed, along with the future construction of a new restaurant and office building. The property size is approximately 97,958 sq. ft. and the size of the historic residence is 2,171 sq. ft., with an existing 192 sq. ft. detached garage.

It is intended that the existing buildings and their unique design be preserved. Please note that the exterior materials and design elements of the existing buildings will remain unchanged at this time, but may be touched up where needed. Exterior paint will be applied / upgraded to compliment and strengthen the color palette approved by Mesa’s Design Review Board for the proposed new buildings.

Improvements will be made to the interior of the existing buildings to comply with current ADA Accessibility and City of Mesa Building and Fire code requirements. Of course, business signage will be applied for in the normal course and in conjunction with the required construction permits.

As proposed, the development is consistent with the NC rezoning being sought by this application. A SUP is required to allow a drive-thru at the restaurant proposed for lot 2 and outdoor seating areas at both proposed restaurants. In addition, the Owner anticipates filing a DIP application to help address certain constraints associated with preserving the existing historic buildings and the mature trees located on the site surrounding the structure and adjacent to Val Vista and University Drives.

As noted on the site plan, the Owner intends to create three (3) separate lots as part of this development proposal. In the 11/30/2015 Pre-Submittal Conference, Mesa staff commented that a subdivision plat is not required for this development. In lieu of a subdivision plat, Mesa’s land split provision can be used to achieve the three (3) lots proposed. Accordingly, a land split application will be filed at the appropriate time in Mesa’s development approval processes to achieve this goal.

EXISTING AND SURROUNDING SITE USES

The west two-thirds of the Property is vacant and undeveloped. The eastern one-third, as noted above, has an existing historic single residence that was built in 1943. The Property was annexed into the City of Mesa in 1965 pursuant to Ordinance 767.

The surrounding zoning and uses are identified as follows:

	Existing Zoning	Current General Plan	Existing Use(s)
North	RS-9	Neighborhood Suburban	Single Family Detached Homes
South	RM-4 and LC	Neighborhood Suburban and Neighborhood Village	University Drive, CVS Pharmacy, Bunker's Mortuary, A New Leaf
East	Val Vista Drive and LC	Neighborhood Village	Val Vista Drive, Shopping Center, MacDonald's Restaurant
West	RS-9 and RM-2	Neighborhood Suburban	City of Mesa Well Site, Eastern Canal, Single Family Detached Homes

NEIGHBORHOOD INTEGRATION

This seemingly prime parcel has become a “by-passed” property that is no longer viable for the residential land uses authorized in the RS-9 zoning district. The primary reason this property has become “by-passed” is the unfavorable marketability of new single residences fronting on high traffic volume arterial streets. In fact, the vast majority of historical single residences in the reach of University Drive, between Lindsay and Greenfield Roads, have been rezoned or otherwise transitioned to non-residential uses such as; churches, medical offices, professional offices, etc.

As demonstrated on the Site Plan, the proposed development will incorporate the historic residence conversion, maintenance of the existing mature trees, new landscaping, and architectural design to provide for locally oriented retail/office uses that will serve the interconnecting residential neighborhoods and compliment the existing commercial land uses on the NEC and SWC of University and Val Vista.

ELEVATIONS & LANDSCAPE

As previously noted in this narrative, the Owner intends to maintain the primary design elements of the existing historic residence and detached garage. In addition, said design elements will serve to inform and guide architectural design for the restaurant and office buildings proposed for lots 1 and 2.

The perimeter of the site will be landscaped consistent with the surrounding properties and per the standard requirements of the City of Mesa modified through these applications. The proposed landscaping palette will be harmonious with both the existing site landscaping and the surrounding context. Existing landscaping adjacent to the residence exceeds City requirements and will be maintained. Two deviations to the standard City of Mesa requirements are detailed in the DIP portion of this narrative.

The plan submitted clearly shows the existing and mature trees, shrubs, turf, and other plant materials that are already located on this site. Additionally, the plan also shows the existing mature trees that existing adjacent to this site on neighboring parcels. The combination of onsite existing landscaping, proposed supplementary landscaping, and existing landscaping on adjacent parcels easily demonstrates compliance with the intent of Mesa's landscape standards.

PARKING

As noted on the site plan submitted and consistent with Table 11-32-3A, the proposed uses requires a minimum of 20 parking spaces for lot 1, 24 parking spaces for lot 2, and 22 parking spaces for lot 3; or a minimum total of 66 parking spaces for the Property. The Owner is sensitive to commercial/retail parking needs and is providing 94 parking spaces, including 6 accessible spaces - 2 accessible spaces for each of the 3 lots.

STREET IMPROVEMENTS

The existing street improvements, including streetlights, adjacent to the Property is compliant with Mesa standards for construction. The current Mesa 2040 Transportation Master Plan reflects maintaining the existing 4 lane arterial street configurations of University Drive and Val Vista Drive adjacent to the Property.

Access to the Property will continue via the existing driveway located on Val Vista Drive. Said existing driveway will be replaced by new commercial driveways consistent with Mesa's M-42 standards. In addition to the Val Vista Drive access, two new commercial M-42 driveways are proposed for University Drive. The existing residential driveway on University Drive will be removed and replaced consistent with Mesa standards.

The public street improvements (bus pullout on University Drive & right turn lane on Val Vista Drive) required by Mesa staff as part of the Pre-Submittal Conference review are not justified by any rational demand being created by this proposed development and represent an substantial burden to the Owner that inhibit any development of the Property. Accordingly, the Owner will make a formal appeal of these public street improvement requirements consistent with Section 9-8-4(A) of the Mesa City Code via separate application.

Regarding the existing City of Mesa bus stop shelter on University Drive the Owner respectfully requests that the City of Mesa relocate said bus stop structure to its Falcon Field No. 5 well site frontage immediately west of the Property. Doing so will remove the traffic conflict that exists currently and the visual interference for the proposed Project.

PUBLIC RIGHTS-OF-WAY

The current Mesa 2040 Transportation Master Plan reflects maintaining the existing 4 lane arterial street configurations of University Drive and Val Vista Drive adjacent to the Property. Accordingly, the Owner anticipates that the existing public rights-of-way already acquired by the City of Mesa is sufficient for future maintenance of said roadways.

The right-of-way dedications requested by Mesa staff as part of the Pre-Submittal Conference review are not justified by any rational demand being created by this proposed development and represent an substantial burden to the Owner that inhibits any development of the Property. Accordingly, the Owner will make a formal appeal of these right-of-way dedication requirements consistent with Section 9-8-4(A) of the Mesa City Code via separate application.

UTILITIES

As noted by Mesa staff as part of their Pre-Submittal Conference review, the public water and wastewater mainlines located in University Drive and Val Vista Drive are of sufficient size to provide adequate potable and fire suppression services to this proposed development. Each of the three lots proposed will be serviced via water and wastewater service lines that are independent and unconnected to the services for the other lots.

STORMWATER RETENTION

This Property has been historically flood irrigated. In order to maintain the existing lush landscaping, the Owner's intends to retain the existing flood irrigation for lot 3. When appropriate in the development review process, detailed Grading & Drainage plans that demonstrate compliance with Chapter 8 of the 2012 Engineering Procedure Manual will be submitted showing the Owner's compliance for the entire site.

DEVELOPMENT INCENTIVE PERMIT (DIP) CRITERIA

The DIP request is intended to provide incentives 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.

A DIP may be approved to allow incentives for the development of parcels that meet the following criteria:

A. Area.

A.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

A.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.

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

C. Surrounding Development. The parcel is surrounded by properties within a 1,200 foot radius in which:

C.1. The total developable land area is not more than 25 percent vacant; and

C.2. Greater than 50 percent of the total numbers of lots or parcels have been developed 15 or more years ago.

As noted, the property is 2.25 acres, has existed in its current configuration for more than 10 years and the properties within 1200 feet have been developed to a much great extent than the ratios required. This Property clearly satisfies the criteria for a DIP.

Accordingly, the Applicant hereby requests a DIP to address the following code requirements:

1. Deviation from the required 20 ft. landscape setback (Table 11-6-3A) along the North property line of lots 1, 2, and 3 to allow the existing drive lane on lot 3 to remain and proposed outdoor seating area to be achieved; to allow for required parking and site circulation on lots 1 and 2; and to allow for a reduced building setback on lot 1. The narrowness of the Property (north to south) cannot be mitigated via assembly with adjacent properties and is one of the primary reasons the parcel has become "bypassed". Considering this particular request involves the rear yards of adjacent residences; we assert that the intent of Table 11-6-3A will be effectively maintained.
2. Deviation from the required 20 ft. landscape setback (per Table 11-6-3A) along the West property line of lot 1 to allow for a zero building setback. The City of Mesa owns and operates a well site and sulfide station adjoining the west property line. Regardless of the existing zoning designation for Mesa's site, it is operated as an industrial land use.

In addition, Mesa did not conform with its own landscape and building setback standards. Accordingly, applying the landscape setback intent of Table 11-6-3A, as it relates to adjacent residential land uses, is inappropriate and unnecessary.

3. Deviation from the required 25 ft. interior side and rear setbacks (per Table 11-6-3A adjacent to RS District) from the West and North property lines of lot 1 to allow a 10 ft. setback on the North and zero setback on the West. The existing masonry fencing along these shared property lines will effectively obstruct any screening benefit that might have been achieved via the standard setback. In addition, The City of Mesa well site/sulfide station adjoining the west property line. Regardless of the existing zoning designation for Mesa's site, it is operated as an industrial land use. Furthermore, Mesa did not conform with its own landscape and building setback standards. Accordingly, applying the building setback intent of Table 11-6-3A, as it relates to adjacent residential land uses to the west, is inaccurate. *The two neighbors to the north are supportive of this deviation and have provided their support in writing.*
5. Deviation from the required right-of-way dedications and street improvements identified in the Pre-Submittal Conference review of November 11, 2015. As previously noted in this narrative, a formal appeal of these requirements is being submitted to the City of Mesa for review.

DIP REQUIRED FINDINGS

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;

- a) *The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1200 foot radius of the by-passed property; and,*
- b) *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.*

DIP JUSTIFICATION & COMPATIBILITY

As previously mentioned, the proposed use on the site is compatible with the surrounding commercial and residential uses. The character of the neighborhood located on this reach of University Avenue has changed over time and the adjacent uses fronting onto University and Val Vista at this intersection are primarily commercial.

SUP JUSTIFICATION & COMPATIBILITY

A SUP is a discretionary permit issued by the Zoning Administrator or Board of Adjustment and is approved by showing compliance with the criteria shown in Table 11-6-2, §§ 11-31-18, and 11-70-5 of the Zoning Code. Table 11-6-2 requires that for any outdoor seating in a commercial district, that the owner shall obtain a SUP. In addition, § 11-31-18 requires that drive-thru facilities shall be designed in conformance with the objectives listed. These requirements and compliance shall be reviewed in accordance with the following specific criteria:

1. *Applicable Policies.* The use is found to be in compliance with the General Plan, and with applicable Sub Area Plans, Neighborhood Plans and other recognized development plans or policies, and will be compatible with surrounding uses.
2. *Site Plan.* A finding that an acceptable site plan has been submitted for review and consideration.
3. *Operational Plan.* A finding that an acceptable operational plan in narrative form has been submitted for review and consideration, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses. Such policies shall include, but are not limited to, the name and telephone number of the manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures.
4. *Addresses Adverse Impacts.* Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use shall adequately provide paved parking and on-site circulation in a manner that minimizes impacts on adjacent sites; and existing or proposed improvements to the site shall minimize dust, fugitive light, glare, noise, offensive smells and traffic impacts on neighboring residential sites.

Section 11-70-5(E) provides the required findings for an SUP, which shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria:

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

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
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.
5. In the instant case, the SUP for outdoor seating and a drive-through facility meet the foregoing criteria. The outdoor seating areas will be closer to University Avenue and will be screened so that noise will not be offensive to the residences to the north. The drive-through (and especially the speaker box) will also be located closer to University Avenue so as to not be offensive to the residences to the north.

CONCLUSION

The subject property meets all the requirements for a land use change, a Development Incentive Permit, and a Special Use Permit, and the granting of the rezoning and permits will not create conditions detrimental to any surrounding properties. The proposed use is appropriate for the subject site and is consistent the surrounding zoning context and existing character of the uses in the area.

By taking a holistic view of this “by-passed” property and the options to create a high quality development that integrates effectively with the existing residential and commercial land uses, we submit that this proposal achieves a wonderful balance of all the complex issues that must be considered. Accordingly, we respectfully request support for this project as it progresses through Mesa required development processes.