



Planning and Zoning Board

Case Information

CASE NUMBER: **Z17-034 (PLN2017-00281)**
LOCATION: The 6000 through 6300 blocks of South Power Road
GENERAL VICINITY: Located south of Williams Field Road between the northbound and southbound lanes of Power Road.
REQUEST: Rezone from AG to RM-4-BIZ, LC-BIZ with a Council Use Permit to allow for residential uses in a commercial district, and Site Plan Review. Also consider the Preliminary Plat for "South of the SWC Williamsfield Rd & Power Rd"
PURPOSE: This request will allow the development of a multi-residential development with commercial and retail services.
COUNCIL DISTRICT: District 6
OWNER: Milk and Honey, LLC
APPLICANT: Lance Baker, Synectic Designs
STAFF PLANNER: Lesley Davis

SITE DATA

PARCELS NO.: 304-49-007L and 304-49-008U – *pending new parcel assignment for recent reconfiguration of the parcel as recorded in Book 1176 of Maps, Page 32 and Book 1180 of Maps, page 3.*
EXISTING ZONING: AG
GENERAL PLAN DESIGNATION: Specialty
GATEWAY STRATEGIC PLAN: Airport Campus District
CURRENT LAND USE: Vacant
LOT SIZE: 11± acres

SITE CONTEXT

NORTH: Vacant Flood Control Property – Zoned AG
EAST: (Across Power Road – north bound) Property owned by ASU – detached single story housing
SOUTH & WEST: (Across Power Road – south bound) Town of Gilbert – Vacant Flood Control Property

STAFF RECOMMENDATION:
P&Z BOARD RECOMMENDATION:
PROP-207 WAIVER:

Approval with Conditions

☒ Approval with conditions. ☐ Denial
☒ Signed ☐ Not Signed

ZONING HISTORY

October 20, 1997 annexed into the City of Mesa (Ord. #3398) and subsequently zoned AG (Z97-081)

PROJECT DESCRIPTION/REQUEST

This request is to rezone a vacant property from AG to RM-4-BIZ, LC-BIZ with a Council Use Permit to allow for residential uses in a commercial district, and Site Plan Review. The applicant is proposing to construct a multi-residential development with commercial and retail services just south of Williams Field Road, between the north and south bound lanes of Power Road. This property is adjacent to Phoenix-Mesa Gateway Airport and Arizona State University's Polytechnic Campus to the east and the Town of Gilbert on the west. The request also includes consideration of a 2 lot Preliminary Plat titled "South of the SWC Williamsfield Rd & Power Rd".

The site is configured with the apartment buildings located on the north portion of the property with the commercial component to the south. The apartment buildings are grouped and interconnected at all four levels via bridges or walkways to form a cohesive single structure surrounding a gated pool and amenity area for residents of the complex with parking along the exterior boundary. Buildings A, B and C make-up the portion of the property that is proposed to be zoned RM-4-BIZ to accommodate 4-story apartments with a clubhouse (Building F). Building D is proposed to be zoned LC-BIZ-CUP and would accommodate a 4-story apartment building with ground floor retail. Density is identified for this project at 30 DU/acre for both the RM-4 and LC zones on parcel 1, creating a slight increase from the maximum density of LC zoning, which is 24 DU/acre. That increase in density requires the CUP.

The commercial portion of this development, which includes Buildings D and E, situates those two buildings so that they both face a common drive aisle that accesses both the north and south bound lanes of Power Road. The applicant has provided parking in front of these buildings as well as upgraded pavement treatments and a traffic table to mitigate cut through traffic. The use of the traffic table and upgraded materials will also create cohesion between the commercial buildings, assisting with safe and attractive passages for pedestrians and vehicular traffic moving through the site.

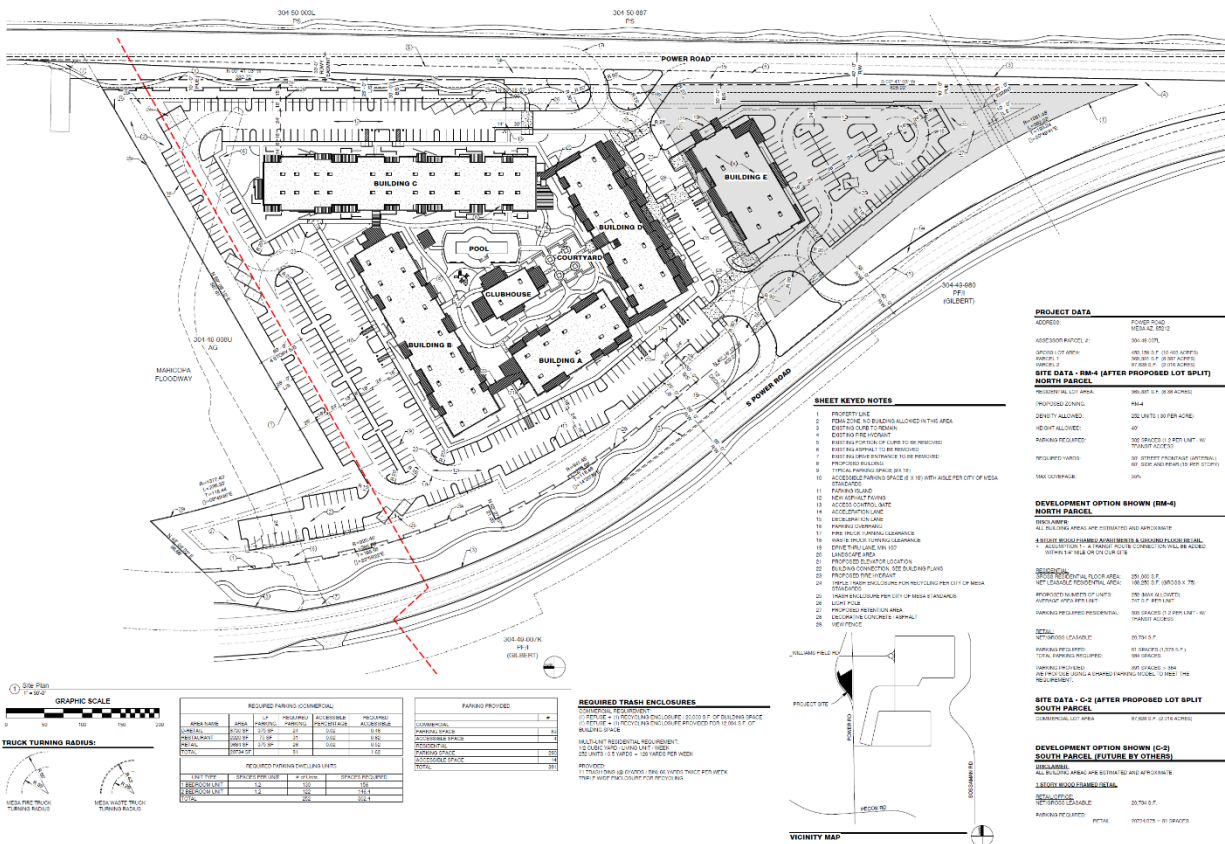
Building E is proposed to be zoned LC BIZ and will function as a standard retail building that has a drive thru lane and exterior patios for seating and dining. Public access to this building will be provided from both the north and south sides. Four-sided architecture has been provided for all of the buildings on this site, with a modern upscale design.

DESIGN REVIEW:

The applicant presented their project to the Design Review Board at the July 11, 2017 'Work Session'. The Board was complimentary of the proposed design materials for the buildings. They stated that it is a "cool and modern" project for this area of Mesa and that they are excited to see it built. They only had minor suggestions for improvements to some areas of the buildings, hardscape and landscape design, which the applicant was receptive to. Staff is working with the applicant to finalize the design.

STAFF ANALYSIS:

LOCATION	USE	AREA / UNITS	HEIGHT	FLOORS
Buildings A, B & C	Apartments	312,984 sf/ 212 units	50-foot	4
Building D	Retail	8,730 sf	50-foot	4
	Apartments	34,377 sf/ 40 units		
Building E	Retail	9,684 sf	25-foot	1
	Restaurant	2,320 sf	25-foot	1
Building F	Clubhouse	3,316 sf	25-foot	1



MODIFICATIONS – BIZ OVERLAY:

The applicant has requested a BIZ Overlay to accommodate an increase in building height to extend beyond the 40-foot height restriction of the RM-4 and LC zoning districts to conceal roof mounted HVAC units with a total height of 50-feet.

Section 11-21-3, allows City Council to approve deviations to development standards through a BIZ overlay for projects that exhibit exceptional quality and design. The level of increased design is expected to be proportionate to the number and degree of deviations requested.

Staff has determined that this project will create a visually interesting built environment . This has been accomplished through their site, landscape and hardscape designs, as well as through their building designs, which have a variety of building styles that are well-articulated. The

applicant has utilized varied modern building forms and high quality building materials, accentuated with punches of bold color.

Section 11-21-3 requires compliance with a combination of items for compliance for increased quality in a development to balance requests requiring reductions to development standards. That section identifies that 2 of the listed criteria must be complied with to justify the reduction. The applicant has outlined compliance with items 1 and 2 on that list in their Project Narrative. Staff has evaluated the Narrative and the plans submitted and have determined that the criteria has been met and the level of quality, far exceeds the proportion of the request to exceed the minimum building height by 10-feet.

Staff has also been in touch with Phoenix-Mesa Gateway Airport regarding this project, and they did not raise any concerns with the height of this project, but did note that compliance with all FAA requirements is required. **(See condition 8.)**

COUNCIL USE PERMIT:

Developments exceeding the residential density maximums specified in Table 11-6-3A and in compliance with commercial floor area requirements specified in Paragraph A shall require approval of a Council Use Permit.

E. Criteria for Review of Council Use Permit: When required, the review of the Council Use Permit shall include a review and determination regarding the following items:

1. The use is found to be in compliance with the General Plan, Sub Area Plans and other recognized development plans or policies, and will be compatible with surrounding uses.

One of the focuses of the General Plan is on creating character types and "character of development in different areas". Character types focus on the overall look of an area by combining concepts of land use with building form and intensity. The subject site is within the Specialty District of the Mesa General Plan as well as the Airport/Campus District of the Gateway Strategic Plan and is consistent with the policies of both documents for a mixed use development.

2. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations.

The applicant has submitted a plan of operation demonstrating compliance, which satisfies section 11-31-31 of the Zoning Ordinance. The plan of operation identifies that there will be an Owner's Association and professional management company that will take care of all property related matters to ensure that the mixture of uses is operated and maintained in a professional manner and in compliance with the deed restrictions.

3. A finding that a "good neighbor policy" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses; including measures to assure that commercial activity will remain as a viable activity on this site.

An acceptable 'good neighbor policy' has been submitted.

4. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all

current City development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines.

The documents submitted demonstrate general compliance with City development standards and where deficient, they are required to comply with exception to building height, which is a deviation to code that they have requested as part of the BIZ Overlay.

CITIZEN PARTICIPATION:

The applicant's Citizen Participation efforts included a mailing to surrounding property owners within 1,000-feet of the subject site, Homeowners' Associations within a half mile, and registered neighborhoods within a mile of the site. They included letters to Mesa Public Schools, ASU Prep High School, Polytechnic Gateway Pointe Elementary School, Legacy Traditional School, Higley High School, and the Higley School District.

A Citizen Participation Report has been included in the packet materials that accompanies this staff report.

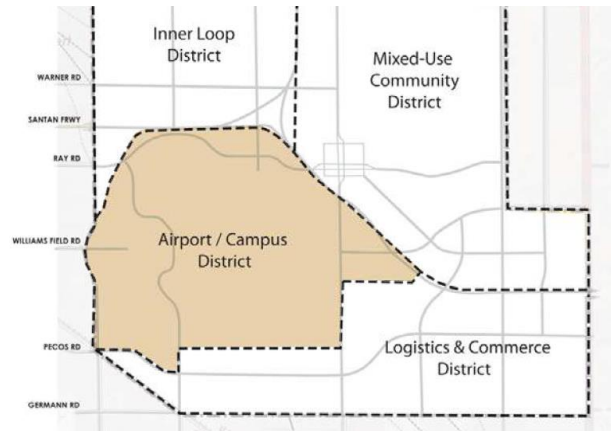
Staff has not been contacted with any concerns regarding this proposal.

CONFORMANCE WITH THE MESA 2040 GENERAL PLAN:

***Summary:** This project falls under the Specialty District designation in the Mesa 2040 General Plan. The Specialty Districts character type is for large (typically over 20 acre) areas with a single use such as an educational campus, airport, or medical facility. The character of these areas can have a significant impact on surrounding development either through the amount of traffic they generate, or the noise associated with their activities. The plan identifies that typical uses for this character type may be supported by retail, offices, hotels, or dormitories. Development in this character type should maintain a campus feel and connection between buildings by having consistency in landscaping and signage as well as high quality building design and materials.*

This site is also located within the Airport/Campus District of the Gateway Strategic Development Plan, which identifies similar requirements for mixed-use developments with a high quality image that will provide a visitor with a lasting impression with visitors to our community. High density residential uses can be integrated within a mixed use-development, when appropriate, but must provide a high quality image to leave a lasting impression to visitors in the area.

This proposal achieves the vision and goals of the General Plan and the Gateway Strategic Development Plan, adding uses, improving connectivity, creating pedestrian spaces and access where it does not exist as well as providing a high quality design for a new mixed use development in a prominent location at the gateway to the Phoenix-Mesa Gateway Airport and ASU Polytechnic Campus.



Criteria for review of proposal: The following criteria (Ch. 15 of the General Plan) have been developed for use during the review process to determine whether the proposed development is achieving the vision and goals established in the General Plan and thus meeting the statute requirements.

1. Is the proposed development consistent with furthering the intent and direction contained in the General Plan?

The General Plan focuses on creating land development patterns that emphasize the character of place and focusing on those principles that build neighborhoods, stabilize the job base, and improve the sense of place.

The proposed development establishes a sense of place, with a mixture of uses and high quality design. This property is isolated between the north and south bound lanes of a major arterial road, but it will be highly visible to visitors, students, employees and others who access the ASU Polytechnic campus or Phoenix-Mesa Gateway Airport as well as to citizens of Mesa and those of our surrounding communities of Gilbert and Queen Creek as they enter and exit Mesa on Power or Williams Field Roads. The mix of uses includes retail, restaurant and multi-family residence, which will be complementary to the ASU Polytechnic and Phoenix-Mesa Gateway Airport campuses to provide additional housing options for students or employees and additional accessible retail services and restaurants.

2. Is the proposed development consistent with adopted sub-area or neighborhood plans?

This project falls within the Gateway Strategic Development Plan, specifically in the Airport/Campus District. It is envisioned to be a mixed use district centered around educational opportunities, research and development functions, and airport related uses that support the traveling public, but is pedestrian friendly. The plan identifies that High density residential uses can be integrated within a mixed use development, when appropriate and would create a high quality image that would leave a lasting impression to visitors. The applicant has proposed a mixed-use development, incorporating both commercial and high density residential at the west edge of this District, closest to the ASU Polytechnic campus. The design of the buildings is contemporary design with the use of modern geometric forms and upgraded building materials, punctuated with bright primary colors, which will create an interesting visual change to the landscape as you approach the

project from any direction.

3. Is the proposed development consistent with the standards and guidelines established for the applicable character type(s)?

The Character Area map of the Mesa 2040 General Plan defines this location as Specialty with a sub-type of Community-Scale Educational Campus as well as Airport which are defined as follows:

Character Area: Specialty District

The Specialty Districts character type is for large (typically over 20 acre) areas with a single use such as an educational campus, airport, or medical facility. The character of these areas can have a significant impact on surrounding development either through the amount of traffic they generate, or the noise associated with their activities. The plan identifies that typical uses for this character type may be supported by retail, offices, hotels, or dormitories. Development in this character type should maintain a campus feel and connection between buildings by having consistency in landscaping and signage as well as high quality building design and materials.

Sub-type: Educational Campus and Airport

Educational Campus: This district is typically for high school and college campuses and have large buildings set in parking lots and associated athletic facilities. Typical uses include associated living facilities.

Airport: This character area is for Phoenix-Mesa Gateway Airport.

The proposed high-density residential could be applied to both the Educational Campus and Airport sub-types within the Specialty District. The high density residential use is not specifically listed in either the Educational Campus or Airport sub-types within the Specialty District, however the project is located within the Airport/Campus District in the designated area plan under the General plan (Gateway Strategic Development Plan), which does identify high density residential uses in appropriate locations if they are integrated within a mixed use-development with high-quality design. This project lies at the west edge of the Specialty District and is not on Phoenix-Mesa Gateway or ASU Campus property. The location and characteristics of the site, as previously discussed in this report, is consistent with the goals and objectives of the General Plan.

4. Will the proposed development serve to strengthen the character of the area by:

• **Providing appropriate infill development;**

This proposal infills a large vacant parcel that is essentially the median of the north and south bound lanes of Power Road with a land use that can function more independently with high density residential that has supporting small-scale commercial uses that will serve the residents as well as the surrounding community.

• **Removing development that is deteriorated and/or does not contribute to the quality of the surrounding area;**

N/A

• **Adding to the mix of uses to further enhance the intended character of the area;**

As mentioned above, the proposed new uses are appropriate and will create another type of

housing as well as retail services that will support the airport and college campus.

- **Improving the streetscape and connectivity within the area;**

The proposal improves the streetscape and improves pedestrian connectivity outward to the public streets with new sidewalks along Power Road as well as new pedestrian connection to Williams Field Road to provide safe pedestrian access to nearby developments and mass transit.

- **Meeting or exceeding the development quality of the surrounding area;**

As previously stated, the applicant has proposed a high quality design that will be an enhancement to the City of Mesa and surrounding communities.

5. Does the proposed development provide appropriate transitions between uses? In more urban areas these transitions should generally be accomplished by design elements that allow adjacent buildings to be close to one another. In more suburban locations these transitions should be addressed through separation of uses and/or screening;

This site is unique in that it is isolated with arterials on all sides and it falls at the transition point between the Town of Gilbert and a primary entry point into Phoenix-Mesa Gateway Airport as well as ASU's Polytechnic campus. The proposed multi-residence development provides an appropriate transition from development in Gilbert, that has a more suburban character and the more intense uses at the Phoenix-Mesa Gateway and ASU campuses.

PARKING:

The developer is installing sidewalks to connect to Williams Field Road, to the north, which will allow them to be considered for a reduced parking count of 1.2 spaces per dwelling unit for the apartments. There is a Bus Rapid Transit (BRT) stop at the southeast corner of Williams Field and the northbound end of Power Road. The applicant is providing the required 303 parking spaces with that reduction allowance. A shared parking model will be utilized for the Apartments and the parking required for the retail in Building D. The single story retail building at the south end of the project has been parked independently and meets minimum standards. Cross access and reciprocal parking agreements will be required between Parcels 1 and 2 for buildings D and E, if the property moves forward with the proposed plat to divide the ownership of the project. **(See condition 4.)**

SITE PLAN:

The proposed site plan has been evaluated against the criteria established in section 11-69-5 of the Zoning Ordinance and staff has determined that the project is consistent with that criteria. Staff does not have any concerns with the proposed site plan.

AIRFIELD OVERFLIGHT AREA:

This site falls within the Phoenix-Mesa Gateway Airport Land Use Compatibility Plan. This property is within Airfield Overflight Area 3 (AOA 3). This designation includes some use restrictions, a requirement for an aviation easement. **(See condition 5.)** and a requirement for noise attenuation in construction. **(See condition 6.)** Location within the Airport Area also necessitates evaluation by the FAA for impact on air traffic. Given the height, location, and proposed use, no impacts are expected. However, the applicant will need to complete an FAA

Form 7460 and submit the findings of that review with their building construction plans. The plans will need to indicate what, if any, mitigation measures are being included to satisfy any issues raised by the FAA review. **(See condition 7.)**

CONCLUSIONS:

The proposed development establishes a sense of place with a high-quality design for a mixed-use development that incorporates high-density residential with retail and services and is in conformance with the Mesa 2040 General Plan. They have provided an acceptable "Operational Plan" and "Good Neighbor Policy" to satisfy the requirements for a CUP, allowing the residential use in the LC Zoning District and satisfied the requirement for exceptional quality to justify the BIZ overlay.

Staff recommends approval of Z17-034 with the following conditions:

CONDITIONS OF APPROVAL:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan submitted, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all City development codes and regulations, including the Subdivision Regulations for the platting process.
3. Compliance with all requirements of Design Review approval through DR17-032.
4. Prior to subdivision of the property, provide cross access and reciprocal parking agreement(s) between parcels.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport (which will be prepared and recorded by the City prior to the issuance of a building permit).
6. Noise attenuation measures to be incorporated into the design and construction of the buildings to achieve a noise level reduction of 20 dB.
7. Provide a 4-foot x 4-foot sign at the entrance to the leasing office for this development, with notice to all prospective tenants that the project is within an Overflight Area for Phoenix-Mesa Gateway Airport as specified in Section 11-19-5 of the Zoning Ordinance.
8. Due to the proximity to Phoenix-Mesa Gateway Airport, any proposed structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77.9, (form 7460), to determine any effect to navigable airspace, air navigation facilities. A completed form with response by the FAA must accompany building permit application for structures on this property.