

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00553
STAFF PLANNER: Veronica Gonzalez
LOCATION/ADDRESS: 160 North Power Road
COUNCIL DISTRICT: District 2
OWNER: Olivia Jurkiewicz
APPLICANT: Josh Oehler, Arc One Associates

REQUEST: *Requesting a Development Incentive Permit (DIP) to allow an Assisted Living Facility in the OC District.*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a Development Incentive Permit (DIP) to allow deviations to development standards, including landscape and setback requirements to aid in the development of a bypassed parcel located at 160 North Power Road, which is northwest of the intersection of Power Road and Main Street.

STAFF RECOMMENDATION

Staff recommends **approval** of case **BOA18-00553**, conditioned upon the following:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *Compliance with all requirements of the Development Services Department in the issuance of building permits.*
3. *Compliance with all requirements of case ZON18-00576.*
4. *Compliance with all requirements of case DRB18-00577.*

SITE CONTEXT

CASE SITE: Vacant – zoned OC
NORTH: (Across Albany Street) Vacant – Zoned OC
EAST: Existing office development – Zoned OC; and
(Across Power Road) Existing manufactured home park – Zoned RM-4
SOUTH: (Across Avalon Street) Existing commercial – Zoned Maricopa County C-2
WEST: Existing residential – Zoned Maricopa County R1-8

STAFF SUMMARY AND ANALYSIS:

The applicant is requesting a DIP that will allow deviations from current development standards related to the development of an approximately 23,492 SF assisted living facility. The subject site qualifies as a by-passed parcel as it is approximately 1.2 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 proposed assisted living facility offers a relatively low intensity use that will buffer the existing residential neighborhood in Maricopa County to the west from Power Road. The intent of the DIP is to provide some relief from certain Mesa Zoning Ordinance (MZO) required standards that will result in a development that is commensurate with existing development in the area.

The table below compares Code requirements, applicant's proposal and staff recommendation for the site. Items in bold face type indicate deviation from code requirements:

DEVELOPMENT STANDARDS:

Development Standard	Code Requirement	Applicant Proposed	Staff Recommends
North - Albany Street Setback	20' setback to building/parking	20'	As proposed
East - Power Road Setback	15' setback to building/parking	5'	As proposed
East Property Line (adjacent to existing OC)	15' setback to building	15'	As proposed
South Property Line (adjacent to existing OC)	15' setback to building/parking	15'	As proposed
South - Akron Street Setback	20' setback to building	20'	As proposed
West Property Line (adjacent to County R1-8)	25' setback to building	25'	As proposed
Parking	Assisted Living Facility: 1 space/room + 2 additional for the development Total: 41 required spaces	19 spaces	As proposed*
Foundation Base	Exterior walls with Public Entrance: 15' Min. Entry Plaza for buildings larger than 10,000 SF: 20' x 20', 900 SF Exterior walls without Public Entrance: 5' Min.	15' foundation base 24' x 38', 912 SF entry plaza 5' foundation base	As proposed
Landscape Islands	8-foot minimum width.	5' width	As proposed

* A Special Use Permit for a parking reduction was approved by the Planning and Zoning Board in conjunction with a Site Plan Review with case ZON18-00576.

The project received Site Plan Review approval by the City Council on November 19, 2018 as case ZON18-00576. Given the constraints of the parcel, the applicant has been able to provide a site plan that complies with the majority of MZO development requirements. If not for the additional 10' right-of-way dedication along Power Road required by the Transportation Department, the project site plan could meet the minimum setback and landscape island dimensions.

DIP REQUIREMENTS:

MZO 11-72-1 states: “Development Incentive Permits (DIPs) may be approved to allow incentives for the development of parcels that meet the following criteria:

Criteria:	Staff Analysis:
AREA MZO 11-72-1.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.	The total area of the site is ± 1.2 acres and has been in its current configuration more than 10 years.
UTILITIES MZO 11-72-1.B: The parcel is served by, or has direct access to, existing utility distribution facilities.	The parcel has access to City of Mesa utilities in Albany and Akron Streets.
Surrounding Development MZO 11-72-1.C: The parcel is surrounded by properties within a 1,200-foot radius in which: <ol style="list-style-type: none"> 1. The total developable land area is not more that 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. 	A 1,200’ buffer applied to the property reveals that all but a handful of surrounding sites are developed. The 2003 aerial photo reveals that more than 50% of available lots were developed more than 15 years ago.

1,200-Foot Buffer – Current Aerial Photo



2003 Aerial Photo



MZO 11-72-3 states: "A DIP shall not be granted unless the...Board of Adjustment shall find upon sufficient evidence:

Required Finding	Staff Analysis:
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;	The development is consistent with the General Plan designation for this area of "Neighborhood Suburban."
B. The incentives do not allow development that is more intense than the surrounding neighborhood/commensurate with existing development within a 1,200' radius of the by-passed property; and	The incentives will allow for infill development that is commensurate with existing development within 1,200 feet. The assisted living facility will also provide a transition between existing residential and commercial uses.
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.	The project was discussed by the Design Review Board at the September 11, 2018 Work Session. Several suggestions were made by the Board for modifications to building design, color scheme, finish materials and landscaping. Staff and the applicant will work together to address these suggestions so that (with the conditions of approval of the Site Plan Review and DIP) the proposed development will meet the intent of the Design Standards of the Zoning Ordinance.

The applicant has requested a DIP, which will allow the development of an assisted living facility on a by-passed parcel. Staff finds the proposed development to be consistent with the General Plan and compatible with existing development in the area.

FINDINGS:

1. The site is ±1.2 acres and has been in its current configuration for more than 10 years.
2. The site is served by, or has direct access to, existing utility systems.
3. The total developable land area within 1,200' of the site is not more than 25% vacant.
4. Greater than 50% of lots within 1,200' of the site have been developed for more than 15 years.
5. This request for a DIP will allow for the development of a bypassed parcel.
6. The proposed assisted living facility is consistent with the General Plan designation in this area, which is "Neighborhood Suburban".
7. The requested deviations are necessary to accommodate the proposal and will result in a development that is commensurate with existing development in the vicinity.
8. Compliance with ZON18-00576 and DRB18-00577 approvals will 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.

ORDINANCE REQUIREMENTS:

Mesa Zoning Ordinance 11-72-3: Development Incentive Permits

E. **Required Findings.** A DIP shall not be granted unless the Zoning Administrator, acting as the Hearing Officer, or Board of Adjustment shall find upon sufficient evidence:

- 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;
- B. 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
- 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.