



**PLANNING DIVISION
STAFF REPORT**

Planning and Zoning Board

November 13, 2024

CASE No.: ZON23-00970	PROJECT NAME: Legacy Square
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Owner's Name:	Legacy Square Opzone LLC
Applicant's Name:	Travis Taylor, Westates Companies
Location of Request:	Located at the northwest corner of South Pomeroy and East 2nd Avenue, approximately 250 feet west of the intersection of South Mesa Drive and East 2nd Avenue.
Parcel No(s):	138-66-026A, 138-66-029A, 138-66-028A, 138-66-006, 138-66-004, 138-66-005A, and 138-66-007A
Request:	Rezone from Downtown Residence-2 (DR-2) and Downtown Residence 3 (DR-3) to Downtown Core (DC), Site Plan Review; and a Special Use Permit
Existing Zoning District:	Light Industrial (LI)
Council District:	4
Site Size:	2.2± acres
Proposed Use(s):	Multiple Residence
Existing Use(s):	Vacant
P&Z Hearing Date(s):	November 13, 2024 / 4:00 p.m.
Staff Planner:	Jennifer Merrill, Senior Planner
Staff Recommendation:	APPROVAL with conditions

HISTORY

On **July 14, 1883**, 630± acres, including the project site, was incorporated as the City of Mesa (Ordinance No. 1).

On **July 16, 1987**, the City Council approved new zoning districts and a new zoning map for 836.8± acres for Mesa's Town Center. The project site was rezoned from General Multiple Residential (R-4) to Restricted Multiple Residential (TCR-2) [equivalent to DR-2] and General Multiple Residential (TCR-3)[equivalent to DR-3] (Z87-040, Ordinance No. 2254).

PROJECT DESCRIPTION

Background:

The applicant is requesting is to rezone 2.2± acres from Downtown Residence-2 (DR-2) and Downtown Residence-3 (DR-3) to Downtown Core (DC) and approval of an Initial Site Plan to construct a four-story building containing 110 residential units ranging in size from studios to three-bedrooms (Proposed Project). The applicant is also requesting a Special Use Permit (SUP) for a parking reduction from 133 required spaces to 122 parking spaces. The site is comprised of six parcels and is currently vacant.

General Plan Character Area Designation and Goals:

Per the Mesa 2040 General Plan, the Project Site is located within the Downtown, Transit Corridor Character Area with a Station Area overlay. The goal for the Downtown Character Area is to create a people-friendly area that is alive with options for housing, employment, shopping, entertainment, and events. An increase in building height and increased density is expected as redevelopment occurs. Downtown Core is a primary zoning district and multiple residence use is a primary land use in the Downtown Character Area. The Transit Character Area overlays the other character types and its focus is to develop a mixed-use, pedestrian-oriented, urban environment, particularly within walking distance of transit stops. Station Areas are intended to have more intense development than the associated corridor and are expected to transition into an urban building form.

The Downtown Core (DC) District is not listed as a permitted zoning district in the Transit Character Corridor or Station Areas despite DC being a primary zoning district for the Downtown Character Area over which a majority of the Transit Corridor and Station Areas overlay. Per Chapter 7 (pg. 7-7) of the Mesa 2040 General Plan City Council may approve minor deviations to the primary zoning districts listed for a character area if the Proposed Project will achieve the intended character area. Staff recommends based upon the size of the development, conformance and compatibility with the surrounding property zoning districts, because the development's land uses are primary and secondary land uses for both the Downtown and Transit Corridor character areas, and because the design of the development meets the Form and Guidelines for both the Station Area and Corridor Sub-Types that Council approve a deviation to the primary zoning districts to allow the DC zoning.

Central Main Street Area Plan

The Project Site is also located within the Transit-Adjacent – Residential Character Area of the Central Main Street Area Plan. The intent of the Transit Adjacent – Residential Character Area is creation of low- to mid-rise residential, and to a lesser extent, mixed-use developments that support the more intense adjacent development, creation of a walkable urban environment, and light rail. Common building form and development characteristics include building heights of two- to three-stories, and up to 85-feet in the Downtown area, and building fronts that engage pedestrians along the public right of way.

The Proposed Project includes a four-story building with patios and balconies fronting onto the sidewalks along Pomeroy and 2nd Avenue. The first floor residential units are designed with taller ceilings to accommodate live-work uses, which would provide a mixture of uses and more engagement with pedestrians. The request is in conformance with the Central Main Street Area Plan.

Zoning District Designations:

The subject request includes a rezoning from DR-2 and DR-3 to Downtown Core (DC). The purpose of the DC district is to encourage the highest intensity of land uses to be developed, redeveloped and maintained within downtown. It is also the purpose of the DC district to provide incentives for the development or redevelopment of under-utilized and bypassed properties within downtown and to promote the development of a vital, vibrant activity area. The regulations for the DC district are intended to ensure that higher-intensity land uses are appropriate for the fulfillment of the purpose of the DC district as a vibrant focal point for the city. At the same time, the DC district is created to serve residents, businesses, employees and visitors and to ensure that the visual image of the core of the Mesa Downtown will be maintained and enhanced. Multiple residence is permitted in the DC district at a minimum density of 20 units per acre in an exclusive multiple residence project. No minimum density is required when part of a mixed-use project. The proposed density is 50 units per acre. Minimum lot area and yard setbacks will vary according to the type of development, the proposed use, and the size, scope and density of the project. Maximum residential densities and building heights are through approval by the Planning & Zoning Board. The proposed project is compliant with the DC district.

Surrounding Zoning Designations and Existing Use Activity:

Northwest DR-3 Multiple Residence	North DR-3 Multiple Residence	Northeast (Across Pomeroy) DB-1 Multiple Residence
West T4NF & DR-2 Multiple Residence	Project Site DR-2 & DR-3 Vacant	East (Across Pomeroy) DB-1 & T4NF Multiple Residence & Commercial
Southwest (Across 2 nd Ave.) DR-3 Vacant	South (Across 2 nd Ave.) DR-3 Vacant	Southeast (Across 2 nd Ave. & Pomeroy) DB-1 Commercial

Compatibility with Surrounding Land Uses:

The adjacent properties to the north and west contain two- and three-story apartment buildings and smaller multiple residential uses, and the properties located across Pomeroy to the east contain commercial uses including Hope’s Frybread. There are vacant properties located across 2nd Avenue to the south. The Proposed Project situates the four-story building at the southeast corner of the site, away from the smaller multiple residential uses to the west, The proposed apartment use is compatible with the surrounding uses.

Site Plan and General Site Development Standards:

The site plan shows an L-shaped four-story apartment building that fronts onto both 2nd Avenue and Pomeroy, with a main entrance located at the southeast corner of the site, and an amenity area and parking located behind. The building contains 110 units comprised of 20 studio, 44 one-bedroom, 42-two-bedroom and four three-bedroom units. The building includes a leasing office at the main entrance and a gym on the first floor. The amenity area includes a swimming pool, shade structure, and seating areas.

The site is accessed from 2nd Avenue and Pomeroy; pedestrian access is shown to the main corner entrance, as well as to the secondary entries at the west and north ends of the building and at the amenity area. Vehicular access is provided via driveways off Pomeroy and 2nd Avenue, and 122 on-site and 33 on-street parking stalls are provided. The 110-unit development requires 133 on-site parking spaces (1.2 parking spaces per unit); a Special Use Permit is requested to allow a reduction to the required number of parking spaces.

The main entry at the corner of 2nd Avenue and Pomeroy features seating, rosemary bushes and Red Push Pistache trees. Per MZO Section 11-8-6(B), landscape materials shall be used to enhance street right-of-way and building frontages. Street trees shall be planted in street right-of-way areas consistent with adopted City streetscape plans and also may be installed in on-site pedestrian walkway areas and plazas. Additional landscape planters are proposed throughout the development including in the perimeter setbacks adjacent to other residential uses.

Overall, the site plan meets the review criteria set forth in Section 11-69-5.

Special Use Permit – MZO Article 7, Section 11-70:

Section 11-66-2(C)(2) of the MZO allows the Planning and Zoning Board to hear and take action on a SUP when requested in conjunction with another request requiring action or recommendation by the Planning and Zoning Board.

Parking:

Per Section 11-32-3 of the MZO, apartments with 26 or more units located within a one quarter mile radius (1,320 feet) of a bus rapid transit or light rail station, regardless of bedroom count, require 1.2 parking spaces per dwelling unit. Using this ratio, the proposed 110-unit development requires 133 spaces.

Per Section 11-32-2(A) of the MZO, all required parking and loading spaces and maneuvering areas shall be located on the lot upon which the use served is located. The site plan shows 122 on-site spaces and 33 on-street spaces. The applicant is requesting to reduce the number of required on-site parking spaces from 133 to 122, a 10-space or 7.5% reduction.

Section 11-32-6 of the MZO establishes criteria for approval of a SUP to allow the reduction in the number of parking spaces. Below is a summary of the criteria for the SUP and findings:

Parking Reduction Required Findings (MZO Section 11-32-6)	Findings
1. Special conditions – including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site – exist that will reduce parking demand at this site.	The Proposed Project is located within ¼ mile of the Mesa Drive light rail station and the Main Street bus stop, and is within 350 feet of a bus stop for the Mesa Drive bus route.
2. The use will adequately be served by the proposed parking.	The Proposed Project includes 110 units and 110 on-site covered parking spaces, which meets the requirements for covered parking for multiple residential developments. The development also includes 12 on-site uncovered spaces and 33 on-street parking spaces located adjacent to the property along 2 nd Avenue and Pomeroy.
3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on street parking in the surrounding area.	East 2 nd Avenue and South Pomeroy are designed to accommodate on-street parking and are being improved with additional angled parking stalls adjacent to the Project Site. The surrounding local streets are designed to accommodate on-street parking as well and have adequate supply to accommodate any occasional guest parking needs of this development.

Per Section 11-70 of the MZO, a SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria.

Special Use Permit Required Findings (MZO Section 11-70-5)	Findings
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 plans and/or policies;	The Proposed Project is designed with a higher density, taller building and urban design to be in conformance with the Downtown Transit Corridor character area. The design also meets the intent of the Central Main Street Area Plan, with first floor units designed to accommodate live-work units. An 7.5% reduction to the required on-site parking will conform with the goal of having a pedestrian-friendly development in the Downtown area.

<p>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;</p>	<p>The purpose of the Downtown Core District is to encourage the highest intensity of land uses to be developed in Downtown. The Proposed Project is designed with a higher density, taller building and urban design to be in conformance with the Downtown Core.</p>
<p>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;</p>	<p>East 2nd Avenue and South Pomeroy are designed to accommodate on-street parking and are being improved with additional angled parking stalls adjacent to the Project Site. The surrounding local streets are designed to accommodate on-street parking as well and have adequate supply to accommodate any occasional guest parking needs of this development.</p>
<p>4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.</p>	<p>The Proposed Project is located in Downtown Mesa and is already served by public services, public facilities, and public infrastructure including electricity, water, sewer, and public transportation.</p>

Design Review:

The Design Review Board discussed the Proposed Project at their Work Session on October 8, 2024. The Board suggested adding a pedestrian connection to the parking stalls along 2nd Avenue, larger tree grates, and provided comments on the building elevations that are not anticipated to affect the site plan. The Board also asked about safety at the entrance doors.

Staff discussed the project with one of the City of Mesa Crime Prevention Officers, and they recommend installing dusk to dawn lighting in the covered entry, as well as a convex round mirror at the 90-degree point so pedestrians are able to see if anyone is walking from the other direction. The Officer also shared information about Mesa’s Tri Star program for multi-family housing and the trespass enforcement program. The applicant is incorporating these safety measures into their plans.

Staff will continue to work with the applicant to address the comments and recommendations from the Design Review Board.

Neighborhood Participation Plan and Public Comments:

The applicant completed a Citizen Participation process including notifying surrounding property owners within 1,000 feet, HOAs within one mile, registered neighbors within one-half mile, and the Councilmember and Council District Coordinator.

A neighborhood meeting was held at the Main Library on July 16, 2024. Four residents attended the neighborhood meeting and asked questions about parking, specifically around

the time of the Easter pageant, as well as about the approval and construction processes. Staff has not received any questions from surrounding residents.

School Impact Analysis:

Planning staff provided Mesa Public Schools with information about the proposed multiple residence development. The development is located within the boundaries of Lowell Elementary, Kino Junior High, and Mesa High Schools. Planning received confirmation from the Assistant Superintendent that the local public schools have capacity to serve the anticipated number of students.

Proposed Development (110 units)	Name of School	Annual Estimated Demand	Adequate Capacity to Serve
Lowell Elementary	Elementary	8 students	Yes
Kino Jr High	Middle School	3 students	Yes
Mesa High School	High School	5 students	Yes

Staff Recommendation:

Staff find the request is consistent with the Mesa 2040 General, the Central Main Street Plan, the criteria for Site Plan Review outlined in MZO Section 11-69-5, and the approval criteria for a Special Use Permit outlined in Sections 11-32-6(A) and 11-70-5.

Staff recommends approval with the following **Conditions of Approval:**

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of Design Review Case No. DRB23-00971.
3. Prior to the issuance of any building permit, submit for and receive approval of an encroachment permit for the bench(es) in the right-of-way.
4. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. All off-site improvements and street frontage landscaping must be installed in the first phase of construction.
6. Compliance with all City development codes and regulations.

Exhibits:

- Exhibit 1 – Staff Report
- Exhibit 2 – Vicinity Map
- Exhibit 3 – Project Narrative
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan
- Exhibit 6 – Preliminary Grading and Drainage Plan
- Exhibit 7 – Elevations & Renderings
- Exhibit 8 – Citizen Participation Plan
- Exhibit 9 – Citizen Participation Report
- Exhibit 10 – Power Point Presentation