



**PLANNING DIVISION**  
**STAFF REPORT**

**City Council Meeting**

**August 29, 2022**

CASE No.: **ZON22-00340**

PROJECT NAME: **Desert Cove Cottages**

Owner's Name:	POWER & MAIN DECVO, LLC
Applicant's Name:	Benjamin Graff, Quarles & Brady, LLP
Location of Request:	Within the 7000 block of East Main Street (south side), within the 100 block of S. 70 <sup>th</sup> Street (east side). Located east of Power Road on the south side of Main Street.
Parcel No(s):	218-19-071C and 218-19-072
Request:	Rezone from Limited Commercial (LC) and Single Residence-6 (RS-6) to Multiple Residence-2 with a Planned Area Development overlay (RM-2-PAD) and Site Plan Review. This request will allow for a multiple residence development.
Existing Zoning District:	Limited Commercial (LC) and Single Residence-6 (RS-6)
Council District:	2
Site Size:	4.0± acres
Proposed Use(s):	Multiple Residence
Existing Use(s):	Place of Worship
P&Z Hearing Date(s):	<b>July 27, 2022 / 4:00 p.m.</b>
Staff Planner:	Sean Pesek, Planner II
Staff Recommendation:	APPROVAL with conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote: 5-0)
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **December 16, 1974**, the City Council annexed 3,956± acres of land, including the 4.0± acre subject property into the City of Mesa (Ordinance No. 907).

On **May 19, 1975**, the City Council approved a rezoning of 44± acres, including the 4.0± acre subject property from Maricopa County C-3 to City of Mesa comparable zoning R1-6 (RS-6) and C-2 (LC) (Case No. Z75-035; Ordinance No. 936).

On **March 21, 2006**, Mesa's Board of Adjustment approved a Special Use Permit (SUP) to allow a day care center in an existing church as an accessory use in the Single Residence-6 (R1-6) zoning district (Case No. ZA06-029).

## **PROJECT DESCRIPTION**

### **Background:**

The request is to rezone the subject property from Limited Commercial (LC) and Single Residence-6 (RS-6) to Multiple Residence-2 with a Planned Area Development overlay (RM-2-PAD) and Site Plan Review of an Initial Site Plan to allow for a multiple residence development. The subject site is generally located at the southeast corner of E. Main Street and S. 70<sup>th</sup>. The northern half is currently vacant with the southeast quarter occupied by the Eternal Life Lutheran Church.

The proposed development consists of 20 single-story duplex buildings, containing two-and three-bedroom options, for a total of 40 units. The request for a Planned Area Development (PAD) overlay is to allow modifications to certain development standards set forth in the Mesa Zoning Ordinance (MZO). Per Section 11-22-1 of the MZO, the purpose of a PAD overlay is to allow modifications to certain development standards to promote innovative design and flexibility that creates a high-quality development for the site. The submitted documents show the proposed development will be unique by incorporating common open space areas that exceed the City's standard size and plant quantity requirements as well as a variety of community recreation facilities.

### **General Plan Character Area Designation and Goals:**

The General Plan character area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood character type is to provide safe places for people to live, where they can feel secure and enjoy their surrounding community. Additionally, these areas will contain a variety of housing types including multiple residence. RM-2 is listed as a primary zoning district within the Neighborhood character area and Multiple Residence is listed as a primary land use.

Per the adopted form and guidelines for the Neighborhood character area, the predominant building height should be one and two stories, with three and four-story buildings located only where higher density is appropriate (on the edges of a neighborhood next to arterial streets). Density is generally between two and 12 dwelling units per acre, with higher concentrations of units at traffic volume locations. The proposed units are one story in height with a net density of 10 dwelling units per acre, which is below the maximum set for the character area.

Per Chapter 4 of the General Plan (page 4-6), a key element for a strong neighborhood is the presence of diversified housing. Diverse neighborhoods can be achieved by encouraging a variety of dwelling types within each area of the community consistent with the character area

standards. As discussed above, the proposal is consistent with the goals and standards of the character area and provides a unique single-story design that contributes to the existing mix of multiple residential dwelling units in the immediate vicinity. Overall, the request conforms to the goals of the Mesa 2040 General Plan.

### **Zoning District Designations:**

The request is to rezone the subject property from LC and RS-6 to RM-2-PAD. Per Section 11-5-1(B) of the MZO, the purpose of the multiple residence zoning district is to provide areas for small-lot single residences, townhouses, cluster housing, and multiple residence housing, with densities of up to 43 units per gross acre. Multiple residence is allowed by-right in the RM-2 district, provided the site is developed in accordance with applicable development standards.

### **Planned Area Development Overlay:**

The subject request includes a Planned Area Development (PAD) Overlay to allow for modifications to certain required development standards of the MZO. Per Section 11-22 of the MZO, the purpose of the overlay is to allow innovative design and flexibility that creates high-quality development for the site. Table 1 below shows the MZO required standards and the applicant's proposed PAD standards.

Table 1: Development Standards

<b>Development Standard</b>	<b>Required RM-2</b>	<b>Proposed RM-2</b>	<b>Staff Recommendation</b>
<u>Minimum Yards –</u> <i>MZO Section 11-5-5(A)</i> - Front and Street Facing Side (Collector Street – S. 70 <sup>th</sup> Street) - East property line (adjacent to RS-6) - Interior Sides (3 or more units on lot)	25 feet  25 feet  Single Story 20 feet	<b>20 feet</b>  <b>10 feet</b>  <b>Single Story 7 feet</b>	As proposed
<u>Required Landscape Yards – MZO Section 11-5-5(A) and 11-33-3(B)(2)</u> - Street Side (Collector Street – S. 70 <sup>th</sup> Street) - Non-single Residence uses next to Single Residence (East) - Non-single Residence uses next to Non-single Residence (East)	25 feet  25 feet  15 feet	<b>10 feet</b>  <b>10 feet</b>  <b>7 feet</b>	As proposed
<u>Minimum Separation Between Buildings and Parking Canopies – MZO</u>	20 feet	<b>6 feet</b>	As proposed

<i>Section 11-5-5(A)</i>			
<u>Minimum Separation Between Buildings on the Same Lot –</u> <i>MZO Section 11-5-5(A)</i>	25 feet (one story)	<b>15 feet (one story)</b>	As proposed
<u>Maximum Building Projection into Setbacks –</u> <i>MZO Section 11-5-5(A)(2)(c)</i>	3 feet	<b>5 feet</b>	As proposed
<u>Minimum Sidewalk Width –</u> <i>MZO Section 11-30-8(D)</i>	5 feet	<b>4 feet</b>	As proposed
<u>Minimum Size for Covered Entries –</u> <i>MZO Section 11-5-5(B)</i>	50 square feet	<b>20 square feet</b>	As proposed
<u>Foundation Base Width –</u> <i>MZO Section 11-33-5</i> - Exterior walls with a public entrance - Exterior walls without a public entrance (adjacent to parking)	15 feet  10 feet	<b>6 feet</b>  <b>6 feet</b>	As proposed

Minimum Building Setbacks:

Per Section 11-5-5 of the MZO, the required building setbacks along the east property line (adjacent to RS-6) and front (S. 70<sup>th</sup> Street) is 25 feet. The required building setback along the interior side property lines (adjacent to LC zoning) is 20 feet. The applicant is requesting a reduction to 20 feet along the front (S. 70<sup>th</sup> Street) property line, 10 feet along the east property line (adjacent to RS-6 zoning), and seven feet along the interior side property lines (adjacent to LC zoning).

Required Landscape Yard:

Per Section 11-5-5 of the MZO, front and street facing yards must be landscaped according to the standards of Chapter 33: Landscaping. Therefore, the required landscape yard would be the same width as the required building setback. According to Table 11-5-5, a front or street facing yard must be 25 feet deep. The applicant is requesting a reduction to 10 feet. The applicant is also requesting a reduction to the east landscape yard (adjacent to RS-6). Per Section 11-5-5(A)(1) of the MZO, a landscape yard on a lot zoned multiple residence that is adjacent to a single residence zoning district shall be at least 25 feet wide. The applicant is requesting a reduction to 10 feet along the east landscape yard (adjacent to RS-6). Lastly, per Section 11-33-3 of the MZO, the required landscape yard for non-single residence uses adjacent to other non-single residence uses is 15 feet. The applicant is requesting to provide a seven-foot landscape yard along the interior side property lines (adjacent to LC zoning).

Minimum Building Separation Between Buildings and Parking Canopies:

Per Section 11-5-5 of the MZO, a minimum 20-foot setback shall be maintained between buildings and parking canopies. The applicant is requesting a reduction to a minimum of 6 feet to accommodate the proposed cottages.

**Minimum Building Separation Between Buildings on the Same Lot:**

Per Section 11-5-5 of the MZO, one story buildings located on the same lot shall maintain a minimum 25-foot separation. The applicant is requesting a 15-foot minimum separation for all one-story buildings located on the same lot.

**Maximum Building Projection into Setbacks:**

Per Section 11-5-5(A)(2)(c) of the MZO, the maximum allowable building encroachment is three feet for individual building projections such as balconies, covered patios, bay windows, fireplaces, and stairs. The applicant is requesting to increase the maximum allowable building encroachment to five feet to accommodate covered patios for building 1.

**Maximum Sidewalk Width:**

Per Section 11-30-8(D) of the MZO, pedestrian walkways shall be at least five feet in width. The applicant is requesting a reduction to four feet to maximize space throughout the site.

**Minimum Size for Covered Entries:**

Per Section 11-5-5(B)(3)(c) of the MZO, individual building entrances within the RM district shall have a total area of at least 50 square feet. The applicant is requesting a reduction to 20 feet.

**Minimum Foundation Base Width:**

Per Section 11-33-3 of the MZO, the minimum foundation base width along exterior walls with a public entrance is 15 feet and the minimum width along exterior building walls without a public entrance is 10 feet. The applicant is requesting to reduce the minimum required width to six feet for both foundation base types.

**PAD Justification:**

The proposed development conforms to the criteria for a PAD. Per Section 11-22-1 of the MZO, the purpose of a PAD overlay is to allow modifications to certain development standards to promote innovative design and flexibility that creates a high-quality development for the site. The submitted documents show the proposed development will be unique by incorporating open space areas that exceed the City's size and plant quantity requirements and provides a variety of community recreation facilities. Per the site plan, approximately 9,635 square feet of open space is proposed, which exceeds the minimum required by 20.45%. In addition, an excess of trees and shrubs will be planted along the street-facing property lines to improve the streetscape and promote pedestrian mobility. Regarding amenities, the applicant is proposing a community pool, covered barbeque areas, a bocce ball court, pet run area, and tot lot. Overall, the proposed code deviations are commensurate with the proposed building and landscape design features.

**Site Plan and General Site Development Standards:**

Per the submitted site plan, the applicant is proposing twenty, one-story multiple residence buildings totaling 40 units. Unit types range from 1-bedroom to 3-bedroom, and each unit's private open space meets the minimum size and dimensional requirements set forth in the MZO. Primary access to the site is from E. Main Street with secondary access along S. 70<sup>th</sup> Street. Resident parking spaces are internal to the development and are not visible from surrounding streets. Per Section 11-32-3 of the MZO, 84 parking spaces are required for the development, of which 40 spaces must be covered. According to the site plan submitted, 88 spaces will be provided, including 45 covered spaces. Overall, the proposed site plan conforms to the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

**Design Review:**

Per Section 11-71-2(A)(2) of the MZO, Design Review is not required for multiple residence projects that do not exceed 15 dwelling units per acre. The Planning and Zoning Board will be the approving body for the building elevations and landscape plan.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> (Across E. Main Street) LC Commercial	<b>North</b> (Across E. Main Street) LC Commercial	<b>Northeast</b> (Across E. Main Street) RM-4-PAD Vacant
<b>West</b> (Across S. 70 <sup>th</sup> Street) RM-4-BIZ Senior Living	<b>Subject Property</b> LC and RS-6 Place of Worship	<b>East</b> LC and RS-6 Commercial and Place of Worship
<b>Southwest</b> RM-4-PAD (Across S. 70 <sup>th</sup> Street) Senior Living	<b>South</b> RS-6 School	<b>Southeast</b> RS-6 Single Residence

**Compatibility with Surrounding Land Uses:**

Parcels to the east are zoned LC and RS-6 and occupied by an automotive business and existing church. Immediately south, across E. Arbor Ave., is an existing school on property zoned RS-6. To the west, across S. 70<sup>th</sup> Street, is an existing senior living facility zoned RM-4-BIZ and RM-4-PAD. Lastly, to the north are existing commercial lots zoned LC. Overall, the requested rezoning and site plan for multiple residence is commensurate with existing development in the surrounding area.

**Neighborhood Participation Plan and Public Comments:**

The applicant completed a Citizen Participation Process, which included mailing letters to property owners within 1,000 feet of the site as well as HOAs within ½ mile, and registered neighborhood within one mile of the site. An in-person meeting was held on April 19, 2022, with one attendee who voiced his support for the project. A virtual meeting was held on April 26, 2022, with no attendees. As of the writing of this report, staff has not received any comments from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session on July 27th.

**School Impact Analysis:**

The Mesa Public School District reviewed the request for its potential impact on the district and indicated that the existing schools in the area have capacity to serve the anticipated students.

Table 2: School Impact Analysis

<b>Proposed Development (40 units)</b>	<b>Name of School</b>	<b>Annual Estimated Demand</b>	<b>Adequate Capacity to Serve</b>
Jefferson	Elementary	0	Yes
Fremont	Middle School	3	Yes
Skyline	High School	3	Yes

**Staff Recommendation:**

Based on the application received and the preceding analysis staff finds that the subject rezone and request for Site Plan Review approval is consistent with the Mesa 2040 General Plan, the purpose for a Planned Area Development overlay outlined in Section 11-22-1 of the MZO, and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO. Therefore, Staff recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan, landscape plan, elevations, and construction documents submitted.
2. Prior to issuance of any building permit, the applicant must record a lot line adjustment with Maricopa County to accommodate the proposed development.
3. 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.
4. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD and shown in the following table:

<b>Development Standard</b>	<b>Approved</b>
<u>Minimum Yards –</u> <i>MZO Section 11-5-5(A)</i> - Front and Street Facing Side (Collector Street – S. 70 <sup>th</sup> Street) - East property line (adjacent to RS-6) - Interior Sides (3 or more units on lot)	20 feet  10 feet Single Story 7 feet
<u>Required Landscape Yards – MZO Section 11-5-5(A) and 11-33-3(B)(2)</u>	

- Street Side (Collector Street – S. 70 <sup>th</sup> Street)	10 feet
- Non-single Residence uses next to Single Residence (East)	10 feet
- Non-single Residence uses next to Non-single Residence (East)	7 feet
<u>Minimum Separation Between Buildings and Parking Canopies –</u> <i>MZO Section 11-5-5(A)</i>	6 feet
<u>Minimum Separation Between Buildings on the Same Lot –</u> <i>MZO Section 11-5-5(A)</i>	15 feet (one story)
<u>Maximum Building Projection into Setbacks –</u> <i>MZO Section 11-5-5(A)(2)(c)</i>	5 feet
<u>Minimum Sidewalk Width –</u> <i>MZO Section 11-30-8(D)</i>	4 feet
<u>Minimum Size for Covered Entries –</u> <i>MZO Section 11-5-5(B)</i>	20 square feet
<u>Foundation Base Width –</u> <i>MZO Section 11-33-5</i> - Exterior walls with a public entrance - Exterior walls without a public entrance (adjacent to parking)	6 feet 6 feet

**Exhibits:**

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Application Information

3.1 Site Plan

3.2 Grading and Drainage Plan

3.3 Landscape Plan

3.3 Elevations

3.4 Elevations

3.5 Project Narrative

3.6 Citizen Participation Plan

Exhibit 4 – Citizen Participation Report