



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

August 2, 2023

CASE No.: BOA22-01324	CASE NAME: Palm Harbor Estates
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Owner's Name:	Palm Harbor Estates LLC
Applicant's Name:	Brian Fracasse, Taylor: Fracasse Architects, Inc.
Location of Request:	Within the 200 and 300 blocks of East McKellips Road. Located west of Mesa Drive and north of McKellips Road.
Parcel Nos:	136-14-005B
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to allow for new site improvements at an existing manufactured home community.
Zone District:	Multiple Residence-4 (RM-4)
Council District:	1
Site size:	29± acres
Proposed use:	Manufactured Home Park
Existing use:	Manufactured Home Park
Hearing date(s):	August 2, 2023 / 5:30 p.m.
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **September 5, 1973**, the City Council annexed 167± acres, including the subject site, into the City of Mesa and subsequently zoned the property Residence R1-6 (R1-6) and Residence R-4 (R-4) (Ordinance No. 823 and Ordinance No. 858).

On **March 19, 1979**, the City Council rezoned 1.9± acres of the subject site from R-4 to Commercial C-2 (C-2) and approved a site plan to allow the development of a landscape contracting office and other office uses (Case No. Z79-002, Ordinance No. 1214).

On **May 19, 1980**, the City Council rezoned 7.8± acres of the subject site from R1-6 and C-2 to R1-6 with a Planned Area Development overlay (R1-6-PAD) and approved a site plan modification and preliminary plat to allow the development of a 44-lot mobile home subdivision (Case Nos. Z80-033 and SPM80-009, Ordinance No. 1332).

On **May 19, 1980**, the City Council rezoned 16.2± acres of the subject site from R1-6, R1-6-PAD and C-2 to R-4 (equivalent to Multiple Residence-4 [RM-4]) and approved a site plan modification to allow the development of a 124-lot manufactured home park (Case No. Z84-013, Ordinance No. 1831).

Early to mid-1980s, per the Maricopa County Historical Aerial Photos, the existing manufactured home park was constructed.

On **November 4, 1986**, the Board of Adjustment approved a variance for the west 13± acres of the subject site to reduce the required landscape yard along McKellips Road from 20 feet to 10 feet (BA86-098).

In 1999, the City of Mesa acquired additional right-of-way for McKellips Road and the subsequent capital improvement road widening project installed plant material and an 8-foot tall masonry screen wall along the McKellips Road frontage of the subject site.

On **March 24, 1998**, the Board of Adjustment approved a variance for 37± acres, including the subject site, to allow manufactured homes to be set within the required front and side yards (ZA98-038).

On **December 20, 2022**, an application for Initial Site Plan Review was submitted for the subject, 29± acres, 246-unit manufactured home park (Case No. ZON22-01325). This application will be scheduled for administrative approval by the Planning Director once the Substantial Conformance Improvement Permit (SCIP) application (Case No. BOA22-01324) is approved by the Board of Adjustment.

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to allow for new site improvements at an existing manufactured home park in the Multiple Residence-4 (RM-4) District. The proposed improvements include providing a new, centrally located, gated main entrance and detached sign on McKellips Road into the manufactured home park and closing the existing access drive on McKellips Road located towards the east side of the park. Interior to the site, 15 existing visitor parking spaces are being removed to accommodate the new entrance and 35 new visitor parking spaces are being constructed. In addition, all the existing trash enclosures within the park are being demolished and a new centralized trash enclosure area is being constructed to allow the owner to provide a concierge trash service to the residents.

The existing 246-unit manufactured home park and site improvements were constructed in the early to mid-1980s in accordance with the building and zoning code in effect at the time; however, some of the existing site improvements do not conform with the current development standards of the Section 11-34-3 and 11-34-4 of the Mesa Zoning Ordinance (MZO) and the site is considered legal non-conforming. Due to existing conditions, achieving full conformance with the MZO would require significant alterations to the site including demolition of the existing manufactured home sites and significant modifications to on-site circulation.

Section 11-73 of the MZO establishes the SCIP process and review criteria to allow a non-conforming site to be brought into substantial conformance without having to bring the entire site into full conformance. To bring the site into further conformance, the applicant is proposing to install new landscaping along the west property lines, along Bates Street, and within the retention areas located on the north side of the existing McKellips Road perimeter wall. In addition, 35 new visitor parking spaces are being constructed for a total of 45 visitor parking spaces within the park.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood with a Manufactured Home sub-type. 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. Neighborhoods can contain a wide range of housing options and often have associated nonresidential uses such as schools, parks, places of worship, and local serving businesses. The Manufactured Home character type includes areas of at least 80 contiguous acres comprised of one or more recreational vehicle or manufactured home parks or subdivisions. The proposed improvements to the existing manufactured home park advance the goals and objectives the Mesa 2040 General Plan by enhancing the safety and attractiveness of an existing neighborhood and contributing to the economic sustainability of housing options within the City of Mesa.

Site Characteristics:

The subject manufactured park is generally located to the east of Mesa Drive along the north McKellips Road. The site is 29± acres, zoned RM-4 District, and is developed with 246 manufactured home spaces and amenities, including a club house and pool area. Along McKellips Road, an existing drive entrance located on the west side of the site and a new, centrally located, gated drive entrance provide access to the site. A third drive entrance on Bates Street provides access to the site from the north. A total of 45 visitor parking spaces are provided on-site, where 50 visitor parking spaces are required. Also, a new sidewalk along the east side of the new drive entrance connects the internal sidewalks to the McKellips Road public sidewalk. An existing clubhouse and recreation area (pool, barbeque and shower area) and new community area (turf barbeques, sports court and dog park) are provided within the common areas of the park. New trees, shrubs and ground cover will supplement existing landscape throughout the site. Also, a new centralized trash enclosure compound is being constructed to facilitate the owner providing a concierge trash pick-up to the park's residents.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across Bates and Pasadena Streets) RS-43 Undeveloped</p>	<p>North (Across Bates Street) RS-6 Single Residences</p>	<p>Northeast (Across Bates Street) RS-6 Single Residences</p>
<p>West RM-4 Manufactured Home Park</p>	<p>Subject Property RM-4 Manufactured Home Park</p>	<p>East RS-6 Single Residences</p>
<p>Southwest (Across McKellips Road and Pasadena) LC Vacant</p>	<p>South (Across McKellips Road) ID-2, LC and RS-43 Public School Facility and Commercial</p>	<p>Southeast (Across McKellips Road) RS-43 and LC Public School Facility and Commercial</p>

Substantial Conformance Improvement Permit (SCIP) MZO Section 11-73:

The subject site is legal non-conforming as it does not conform to development standards of Section 11-6-3, 11-34-3 and 11-34-4 of the MZO. Table 1 below summarizes the minimum MZO requirements, the applicant’s proposal, and staff’s recommendations. Text in bold indicates modifications from the MZO code requirements.

TABLE 1 DEVELOPMENT STANDARDS:

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
<p><i>Perimeter Landscape Yard</i> – [Table 11-6-3]: McKellips Road</p>	15 feet	One foot, eight-inches, minimum	As proposed
<p>Bates Street</p>	20 feet	13 feet, two-inches, minimum	As proposed
<p>– [Section 11-33-3.B.2]: East property line</p>	25 feet	0 feet	As proposed
<p>West property line</p>	15 feet	0 feet, minimum	As proposed
<p><i>Perimeter Landscape Yard</i> – [Table 11-6-3]: McKellips Road (1,013 linear feet of street frontage)</p>	44 trees, 264 shrubs (1 trees and 6	1 tree, 6 shrubs (The plant material within the McKellips	As proposed

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
	shrubs per 25 linear feet of street frontage)	Road public right-of-way is maintained by the City of Mesa)	
<i>Parking Lot Landscape Island – [Section 11-33-4.B.1]:</i> East parking area	Landscape islands shall be installed at each end of a row of stalls and in between for maximum 8 contiguous parking spaces	13 contiguous spaces	As proposed
<i>Minimum Visitor Parking – [Table 11-34-3]:</i>	50 spaces (1 per 5 manufactured home space)	45 spaces	As proposed

To bring the site into substantial conformance with the development standards of the MZO, the applicant proposes the following improvements as identified on the site plan and landscape plan:

- New trees, shrubs and ground cover are being planted within the required landscape yard along Bates Street and within the existing retention and common space areas.
- New trees are being planted within the required landscape yard along the west property line.
- An additional 11,471 square feet of common open space improvements, including a turf area, barbeques, sports court and dog park, are being installed.

Per Section 11-73-3 of the MZO, when deciding on a SCIP, the Board of Adjustment shall find upon sufficient evidence that:

- A. The entire development site will be brought into substantial conformance. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with this Ordinance that can be attained without causing or creating any of the following conditions:

1. The demolition or reconstruction of existing buildings or other significant structures (except signs); or

Significant alterations to the site, including partial demolition of manufactured home pad sites and on-site circulation improvements would need to occur to bring the site into full conformance with current MZO development standards.

The request complies with this criterion.

2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.

Full compliance with current development standards would impose an extreme hardship that may cause the cessation of the manufactured home park and would discourage improving the site.

The request complies with this criterion.

3. The creation of new non-conforming conditions.

No new non-conforming site improvement are created by the proposed improvements.

The request complies with this criterion.

- B. The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

The proposed improvements to the manufactured home park are compatible with the surrounding neighborhood and improve the overall site. Therefore, staff believes that the proposed request will not be detrimental to adjacent properties or neighborhoods.

The request complies with this criterion.

Findings:

- A. The property was annexed into the City of Mesa in 1973 and the west portion of the subject site was subsequently zoned RM-4.
- B. In 1980, the east side of the subject site was zoned RM-4 to develop a 124-unit manufactured home park.
- C. The existing manufactured home park was constructed in the early to mid-1980s.
- D. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- E. The proposed improvements to the existing manufactured home park advance the goals and objectives the Mesa 2040 General Plan enhancing the safety and attractiveness of an existing neighborhood and contributing to the economic sustainability of housing options within the City of Mesa.

- F. Significant alterations to the site, including partial demolition of existing manufactured home sites and on-site circulation improvements would need to occur to bring the site into full conformance with current MZO development standards.
- G. Full compliance with current development standards would impose an extreme hardship that may cause the cessation of the manufactured home park and would discourage improving the site.
- H. No new non-conforming site improvement are created by the proposed improvements.
- I. The proposed improvements to the manufactured home park are compatible with the surrounding neighborhood and improve the overall site.
- J. The proposed request will not be detrimental to adjacent properties or neighborhoods.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 1,000 feet of the site. As of the date of this report, staff has not been contacted by any resident or property owner to express support or opposition to this request.

Staff Recommendations:

Based upon the application received and preceding analysis, staff finds that the request will comply with the Mesa 2040 General Plan and the required findings for a Substantial Conformance Improvement Permit outlined in Section 11-73-3 of the MZO. Therefore, staff recommends **approval** with the following conditions:

- 1. Compliance with the final site plan and landscape plan as submitted.
- 2. Compliance with case ZON22-01325
- 3. Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.
- 4. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Attachments:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Narrative/Justification Statement
- Exhibit 4 – Site Plan and details
- Exhibit 5 – Landscape Plan