



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**September 4, 2024**

CASE No.: <b>BOA24-00448</b>	CASE NAME: <b>Eden Village</b>
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Owner's Name:	Harriet Munguia
Applicant's Name:	Sean B. Lake, Sarah Prince, Pew & Lake, PLC
Location of Request:	Within the 0 to 200 blocks of North Alma School Road (east side). Located north of Main Street on the east side of Alma School Road.
Parcel No:	135-53-003C,135-53-003D,135-53-056,135-53-058,135-53-059
Nature of Request:	Requesting a Development Incentive Permit (DIP) for a multiple residence development in the Multiple Residence 4 (RM-4) District.
Zone District:	Multiple Residence 4 (RM-4)
Council District:	4
Site size:	1.56 ± acres
Proposed use:	Multiple Residence development
Existing use:	Vacant
Hearing date(s):	<b>September 4, 2024 / 5:30 p.m.</b>
Staff Planner:	Chloe Durfee Daniel
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **January 5, 1949**, the City Council annexed 2419± acres, including the project site, into the City of Mesa (Ordinance No. 228).

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting a Development Incentive Permit (DIP) to allow for deviations from certain development standards for a multiple residence development in the Multiple Residence - 4 (RM-4) District. The Proposed Project includes a 21 micro home development, a community garden, and a community center in addition other site elements.

Per Section 11-72-1 of the Mesa Zoning Ordinance (MZO), the purpose of a DIP is to provide incentives for the development of smaller tracts of land that would have difficulty meeting current development standards. Per Section 11-72-2 of the MZO, incentives that may be granted by the DIP are limited to: modifications to building setbacks, landscaping design, on-site parking, building height, right of way dedication, and other site development provisions contained in the MZO. Through the DIP, the applicant is requesting to modify the development standards to reduce the required building setbacks on the north and west, and landscape setbacks along the north, west, and south property lines. Additional deviations include throat depth, building and parking canopy separation, parking and covered parking reductions, and community garden storage allowances. The requested deviations from the MZO ensure the Proposed Project will comply with the other requirements for the site while also allowing development on an infill parcel.

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

The General Plan Character area designation on the property is Neighborhood with the Traditional subtype, Transit Corridor, and Station Area. Per Chapter Seven of the General Plan, the purpose of the Neighborhood Traditional character area designation is to provide predominantly single residence in character but may contain a variety of lot sizes and dwelling types. The purpose for the Transit Districts including Transit Corridor and Station Area 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 Corridors subtype applies to development of the corridors between stations and stops and will be less intense, but still evolve into a more urban pattern. The site is within a quarter of a mile of a light rail stop and are developing with a larger focus on using transit options by providing less parking and there for meets the intent of the character area designations.

### **Site Characteristics:**

The Proposed Project is located on the east side of Alma School with two vehicular access points to the site. The Project Site is slightly more than one and a half acres and is zoned RM-4. The site provides 21 micro dwelling units towards the rear of the site, a community center and a community garden at the front of the site, and several other amenities throughout. A total of 28 parking spaces are required for the Proposed Project, while 20 parking spaces are provided. A reduction in parking is being requested separately through the Zoning Administrator with the initial site plan request.

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

<p><b>Northwest</b> (Across Alma School Road) RS-6 Single Residences</p>	<p><b>North</b> RM-3 PAD Multiple Residence</p>	<p><b>Northeast</b> RM-3 PAD Multiple Residence</p>
<p><b>West</b> (Across Alma School Road) LC/NC Self Storage and Auto Repair</p>	<p><b>Subject Property</b> RM-4 Vacant</p>	<p><b>East</b> RM-2/RM-3 Multiple Residence</p>
<p><b>Southwest</b> (Across Alma School Road) RS-6 Single Residences</p>	<p><b>South</b> RM-4 Multiple Residence</p>	<p><b>Southeast</b> RM-4 Multiple Residence</p>

**Mesa Zoning Ordinance Requirements and Regulations:**

**Development Incentive Permit (DIP) Chapter 11-72 of the MZO:**

The purpose of a DIP is to provide incentives for smaller tracts of land that would have difficulty meeting current development standards. To qualify for consideration, a parcel must meet the criteria set forth in Section 11-72-1 of the MZO. After review of the application, the subject property qualifies as a by-passed parcel as the total area of the site does not exceed 5 net acres and was created by the assembly of 2 or more individual, contiguous parcels. The lot has direct access to City utilities, is within an area where not more than 25% of developable land is vacant, and more than 50% of the surrounding parcels have been developed for more than 15 years. The requested modifications will result in a development that is commensurate with existing development in the area.

Table 1 below compares MZO requirements, the applicant’s proposal, and staff’s recommendation for the subject property. Items in bold face type indicate deviation from code requirements:

**Table 1: Development Standards**

<b>Development Standard</b>	<b>MZO Requirement</b>	<b>Applicant Proposed</b>	<b>Staff Recommendation</b>
<p><i>Landscape Yard Setback – Section 11-33-3(B)(2)(a)(ii), Non-Single Residence Uses Adjacent to Other Non-Single Residence uses or districts and not part of a group C-O-I Development:</i></p>			

<b>Development Standard</b>	<b>MZO Requirement</b>	<b>Applicant Proposed</b>	<b>Staff Recommendation</b>
North property line	15 feet	<b>Zero feet for existing structure</b>	<b>As Proposed</b>
		<b>Zero feet for parking on north side</b>	<b>As Proposed</b>
South property line	15 feet	<b>Zero feet for delivery drive</b>	<b>As Proposed</b>
<i>Landscape Yard Planting Requirements – Section 11-33-3(B)(2)(a)(ii), Non-Single Residence Uses Adjacent to Other Non-Single Residence uses or districts and not part of a group C-O-I Development</i>	A minimum of three (3) non-deciduous trees and 20 shrubs per 100 linear feet of adjacent property line	<b>Total required tree and shrub quantities provided. Dog park and Delivery area do not contain landscaping.</b>	<b>As Proposed</b>
<i>Minimum Yards – Section 11-5-5</i>			
<i>Front and Street-Facing Side (West property line)</i>	30 feet	<b>Zero feet for existing structure</b>	<b>As Proposed</b>
<i>Interior Side: 3+ units on lot (North property line)</i>	20 feet	<b>Zero feet for existing structure</b> <b>15 feet for trash enclosure</b>	<b>As Proposed</b>
<i>Foundation Base – Section 11-33-5(A),</i>			
<i>Exterior Walls with a Public Entrance – Community Center North side</i>	15 feet	<b>7 feet</b>	<b>As Proposed</b>
<i>Exterior Walls without a Public Entrance adjacent parking stalls - Parking adjacent to residences</i>	10 feet	<b>8 feet</b>	<b>As Proposed</b>
<i>Exterior Walls without a Public Entrance adjacent to a</i>	5 feet	<b>Zero feet for existing</b>	<b>As Proposed</b>

<b>Development Standard</b>	<b>MZO Requirement</b>	<b>Applicant Proposed</b>	<b>Staff Recommendation</b>
<i>drive aisle</i>		<b>building</b>	
<i>Building Separation - Section 11-5-5, Minimum separation between buildings on the same lot</i>	25 feet between one-story buildings	<b>10 feet</b>	<b>As Proposed</b>
	20 feet for detached covered parking canopies	<b>8 feet</b>	<b>As Proposed</b>
<i>Required Covered Parking - Section 11-32-3(D), Multiple-residence projects shall provide a minimum of 1 covered parking space per unit.</i>	21 Covered Parking Spaces (21 units)	<b>9 covered spaces</b>	<b>As Proposed</b>
<i>Throat Depth – Section 11-32-4 Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be setback from the property line abutting the street.</i>	<i>Min. 50 feet</i>	<b>32 feet from west property line</b>	<b>As Proposed</b>
<i>Community Garden Storage Requirements – Section 11-31-10.C</i>	<i>Must be located in the buildable area and placed in the rear one half of the lot</i>	<b>Current location of existing structure</b>	<b>As Proposed</b>
	<i>Max building height of 10 feet</i>	<b>12 feet (existing structure)</b>	<b>As Proposed</b>
	<i>Maximum area of 200 square feet</i>	<b>1200 square feet (existing structure)</b>	<b>As Proposed</b>
<i>Private Open Space</i>			

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
– Section 11-5-5(A)(3)(e)(i)(1) Private open space located at the ground level (e.g., yards, decks, patios)	No dimension less than ten (10) feet	No dimension less than six feet for Elevation Plans A, B, and C	As Proposed
Landscape Islands – Section 11-33-4(B)	Parking lot landscape islands shall be installed at each end of a row of stalls	Two end of row landscape islands provided	As Proposed

Pursuant to Section 11-72-1 of the MZO, a Development Incentive Permit (DIP) may be approved to allow incentives for the development of parcels that meet the following criteria:

A. AREA

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; or
2. Total area of the site does not exceed 5 net acres and was created by the assembly of 2 or more individual, contiguous parcels.

**The subject property is 1.57± acres and was created by the assembly of 5 individual, contiguous parcels.**

***The request complies with this criterion.***

B. UTILITIES. The parcel is served by, or has direct access to, existing utility distribution facilities.

**The parcel has access to City of Mesa utilities.**

***The request complies with this criterion.***

C. SURROUNDING DEVELOPMENT. The parcel is surrounded by properties within a 1,200-foot radius in which:

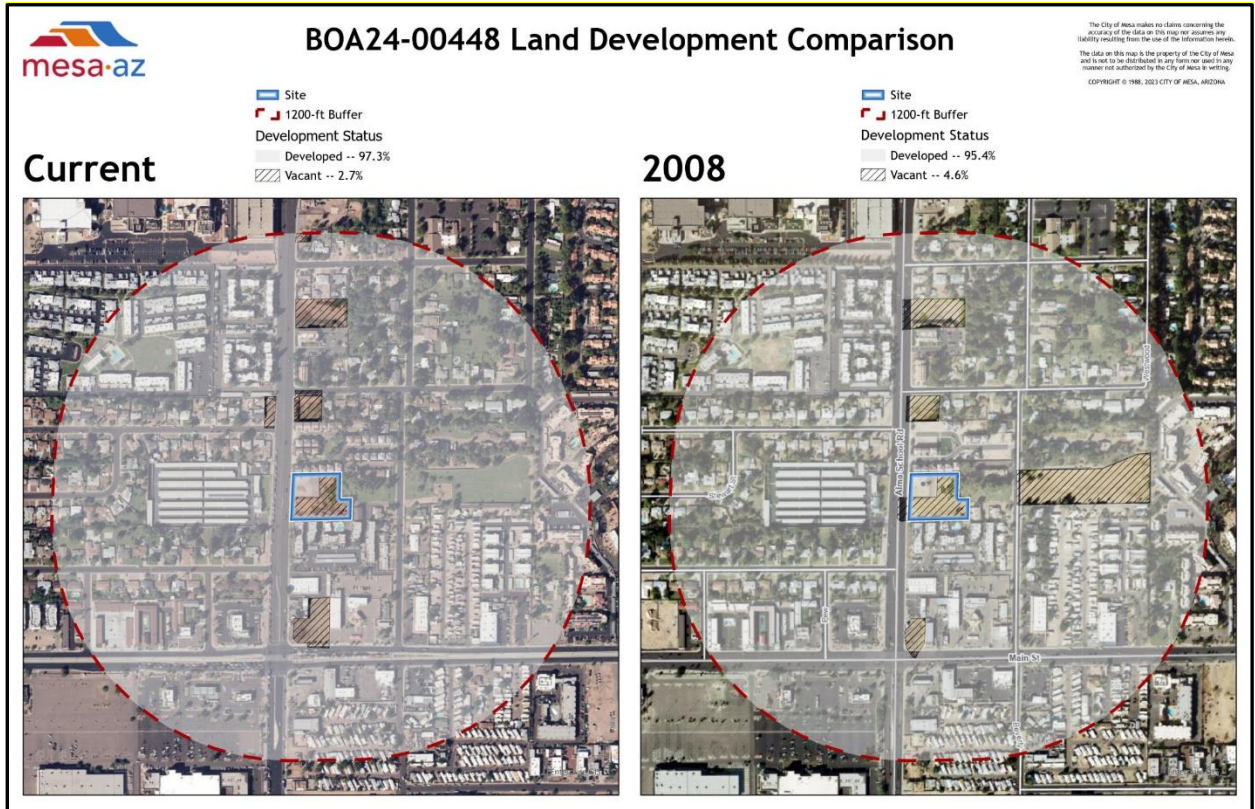
1. The total developable land area is not more than 25 percent vacant; and
2. Greater than 50 percent of the total number of lots or parcels have been developed 15 or more years ago.

**Based on current aerial photography, the total developable land area within the 1,200-foot radius of the subject property is less than 25% vacant. Additionally, after**

comparing the 15-year historical aerial photo with the current aerial photo, staff determined that more than half of the total number of lots (within the 1,200-foot radius of the subject property) were developed more than 15 years ago (see Figure 1).

*The request complies with this criterion.*

Figure 1:



Per Section 11-72-3 of the MZO, the Board of Adjustment shall find upon sufficient evidence when making a decision on a DIP that:

1. 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 proposed development is consistent with the General Plan's Neighborhood Traditional, Transit Corridor, and the Station Area character area designation; a multiple residence use is permitted in the RM-4 District.**

*The request complies with this criterion.*

2. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1,200-foot radius of the by-passed property; and

**The incentives will allow development that is commensurate with existing development within 1,200 feet radius of the property. The Proposed Project is surrounded by other residential developments to the north, east, and south.**

***The request complies with this criterion.***

3. 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 proposed initial site plan review, including a request for “Alternative Compliance” to the design standards of Section 11-5-5(B) of the MZO and including a request for “Alternative Compliance” to the parking standards as allowed per Section 11-32-7(E) of the MZO, associated with the project will be administratively reviewed by the Planning Director after the DIP request is approved by the Board of Adjustment. The proposed project meets the intent of the Design Standards of the Ordinance.**

***The request complies with this criterion.***

Findings:

- A. The subject property is 1.57± acres and was created by the assembly of 5 individual, contiguous parcels.
- B. The subject property has direct access to existing utilities.
- C. The total developable land area within 1,200 feet of the subject property is not more than 25 percent vacant.
- D. Greater than 50 percent of lots within 1,200 feet of the subject property have been developed for more than 15 years.
- E. This requested deviations through the DIP will allow for the development of a bypassed parcel.
- F. The proposed development is consistent with the General Plan’s character area designations.
- G. The requested modifications will result in a development that is commensurate with existing development in the vicinity.

**Neighborhood Participation Plan and Public Comments:**

The applicant completed a Citizen Participation Process, which included mailing letters to property owners within 500-feet of the site and held a neighborhood meeting on July 9, 2024, with several attendees who asked clarifying questions about the proposed site, but did not bring up any concerns. As of the writing of this report, neither the applicant nor staff received any comments/concerns from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session on September 4, 2024.

**Staff Recommendation:**

Based on the application received and preceding analysis, Staff finds the request for a Development Incentive Permit meets the required findings in Section 11-72-1 and Section 11-72-3 of the MZO, and therefore recommends approval with the following conditions:



**Conditions of Approval:**

1. Compliance with the final site and landscape plan as submitted.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of ZON24-00461 for site plan approval.
4. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

**Exhibits:**

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Project Narrative

Exhibit 4 – Site Plan

Exhibit 5 – Landscape Plan

Exhibit 6 – Elevations and Floor Plans