

## MINUTES OF THE AUGUST 25, 2021 PLANNING & ZONING MEETING

- \*4-a ZON20-00210 District 5.** Within the 6800 to 7000 blocks of East University Drive (south side). Located east of Power Road on the south side of University Drive. (1.6± acres). Rezone from Limited Commercial (LC) to LC with a Bonus Intensity Zone Overlay (BIZ); and Site Plan Review. This request will allow for the development of a commercial center. John Reddell, Reddell Architects, applicant; ETR Enterprises LLC and United States Department of Interior Bureau of Land Management, owners.

**Planner: Charlotte Bridges**

**Staff Recommendation: Approval with conditions**

**Summary:** Staffmember Charlotte Bridges presented case ZON20-00210 to the Board. Ms. Bridges stated the location is east of Power Road on the southside of University Drive. The General Plan Character Area Designation for this property is Neighborhood Village. The intention is to serve general population within a two-mile radius of the site. It also provides for regular shopping and service needs and is intended to create a sense of place within that neighborhood.

The existing zoning on the property as Limited Commercial (LC) which permits retail, offices and service-oriented uses. The request before you is to rezone the property from LC to Limited Commercial (LC) with a Bonus Intensity Zone Overlay (BIZ) and also Site Plan Review. The purpose is to allow the development of a commercial center. As a part of the request, they are requesting the Bonus Intensity Zone Overlay and the purpose of this is to allow for variations to certain development standards to allow greater intensity of development and unique innovative and superior and developments of superior quality.

As part of the variations from the development standards, the applicant is requesting reduction of the building setback and landscape setback along University Drive from 15 feet to 8 feet. Also, the interior building setback adjacent to the drive aisle on the east from 25 feet to 15 feet and minimum landscape yard adjacent to RSL District from 20 feet to 0 to 15 feet.

The applicant is also requesting a reduction in the number of landscaped parking islands. The requirement is that a parking island be installed at each end of a row of stalls and in between for a maximum of 8 contiguous parking stall. The request also includes reduction in the landscape material in the landscape islands that are within the SRP easement because SRP will not allow shrubs and trees in those areas. The landscape plan shows ground cover in those islands that are within the SRP easement.

Lastly, they are requesting a reduction in the foundation base. Normally, 15 feet wide foundation base is required along that south elevation of the buildings with primary entrances, the applicant is requesting is between 7 feet six inches to 12 feet in those areas.

The site plan shows the proposed landscape areas and entrances into the project. What is unique about this project is it is actually composed of three lots. The two east lots are owned by the property owner and the third lot to the west is actually Bureau of Land Management (BLM) property that has been granted to the City of Mesa as right-of-way. The applicant is working with the City to coordinate a Use Agreement to allow the drive aisle to connect to existing Quick Trip drive aisle to the west, which in turn connects to

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University Drive, serving this site as well.

This project was reviewed by the Design Review Board in February. The applicant has not changed the elevations per the recommendations of the Design Review Board. Staff will work with to address the Design Review Boards recommendations once this application is further along in their Zoning approval. Recommendations made by the Design Review include verifying the cap along the parapet of the structure is actually metal. They also recommended some changes to the color of the building so that the darker of the browns blends better with the rest of the color palette and a less intense red on the awning. They also wanted the applicant to verify the plant material on the landscape plan was low water material and if it was not, replace it with low water and material.

As part of Citizen Participation process, the applicant did reach out to property owners within 1,000 feet, HOAs, Registered Homeowners and the mobile home park directly to the east. A letter from the mobile home park is included in the Citizen Participation packet. There were a few minor concerns that were expressed by that community having to do with traffic. Per the review from the Transportation Department, they did not see significant traffic impact along University. The community was also concerned with some of the uses that might be allowed within that shopping center, specifically more adult oriented establishments and some outdoor activities.

The uses in the shopping center must be permitted in the LC District and this district does not allow marijuana uses, adult entertainment uses or outdoor music that the community expressed concern for. The ordinance would allow indoor music, but it must be a fully enclosed and sound attenuated space. An LC district does allow outdoor dining as a part of restaurants, and I believe there is an outdoor patio area shown on the site plan. Other than the responses from the mobile home community to the to the east, staff has not received any other comments or concerns about this project.

In summary, staff has reviewed this and found that it complies with the 2040 Mesa General Plan and the criteria of Chapter 21 of the Bonus Intensity Zone overlay district and meets the criteria for Site Plan Review outlined in Chapter 11-69-5 of the Mesa Zoning Ordinance. Staff is recommending approval with conditions, and I would be happy to answer any questions you may have.

Applicant John Reddell, 992 S. 158<sup>th</sup> Street, in Gilbert stated, the project has an unusual site that had some encumbrances on it that we were dealing with. We have been working with the staff for approximately a year and a half, along with SRP and BLM to get to the point where we are at today. The SRP power line is off the south property line approximately 35 feet and they are requiring that we provide a 30-foot easement across that location. Working with SRP over the time, we were able to come up with a setup zone for them to use for servicing their utility line without any interruption to parking or anything else during business hours, but that was one of their major concerns. We have provided them with that access, and they have accepted what we have proposed and we're moving forward with the process as we are now.

We also have a 10-foot water line easement directly to the north of the SRP easement, which is a City water main that runs through there. That leaves us with a very small building site area. And working with the Traffic Division, we also branded another 8-foot

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PUE to the north side of our buildings. Because the City has two main gas lines with pressure relief valves located within that area just north of our building, we had some restrictions from that.

We worked with staff on the aspects of the BIZ to create enough building area to be a viable project. The initial building size has been reduced by over 1,000 square feet to meet parking requirements and SRP requirements. Moving across to the BLM property to the west, we have an access road that connects into the existing Quick Trip drive aisle from their site to provide some accessibility for anybody trying to turn westbound onto University Drive out of the QT.

Another part of our enhancement will be the landscaping, watering and maintaining the BLM property that is a brown field right now. It would have remained that way if we were not coming in to develop that parcel. The QT on the corner gives us a full continuation and a completion of landscaping along University Drive and is an extra 21,000 square feet of landscape area. Landscape material will be installed on the north side of the SRP easement and adjacent to University Drive. Adjacent to the on the south property line, there's approximately 20 feet of landscaping that goes the entire length of this site.

We worked with staff on developing the four-sided elevations, because at the narrow lot and the access points, the front really is the south side, and the north side is the rear. We developed the north side to appear as a front elevation for the entire building. So, there is a four-sided look to the building. And yes, we are using some faux windows being we don't know the exact layout of the interior uses. As of right now, we are using the full windows across that north side which we see as very beneficial for the City. If we did not install the landscape material on the BLM property, it would remain brown patch.

Boardmember Boyle stated, he understands the challenge of the parcel. This is such a skinny site, and you've got all these things keeping you from being able to do more. What I'm looking for mostly when you are requesting a BIZ, are the tradeoffs. And I understand you are landscaping the BLM property, but typically, when we see a project like this come in, I want to see extra quality. Where you are required to plant 20 trees, you should plant 40 trees. What I am seeing with this project is a lot of requests for the reduction of setbacks. I would hope there's a solution where this can come back with a clear demonstration of superior quality. I don't feel good about this project as it has been submitted at the moment.

Boardmember Crockett stated, I see it a little differently. I think the same as Mr. Boyle does that this is a challenging property to develop and feel the applicant has really been creative in terms of putting this together. As I am looking at the design the landscaping design. There is 21,000 square feet of landscaping on that BLM property, and it is not going to be cheap to landscape it or to maintain it over time. Working with the full windows on the north side of the building so that it looks attractive from the street. In my perspective, I think the applicant has done quite a bit to try to distinguish this property and make it qualify and meet the requirements for a BIZ Overlay. So, I am happy to support this project.

Boardmember Ayers asked Mr. Reddell a quick question about the elevations. You have talked that there is some spandrel glass and, on the elevations, it is called out as clear. Can you explain how much of the north elevations is spandrel glass and how

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much is clear. Mr. Reddell responded as of right now we do not have an interior design. But as we build the building, we're installing a faux window system across that north and if the development of the interior space allows for exposure, then that glass can be replaced with the standard glass. We're just planning on the faux right now until we have an actual user.

Mr. Ayers responded, I am kind of in between supporting and opposing and I echo that this is a very challenging site. You are having to deal with easements on most of the site. I feel like you have made a lot of effort going above and beyond on the landscaping. I do, however, echo the comment that that we are looking for tradeoffs and superior quality. And I do think that one of the things that for me that was challenging is the amount of spandrel glass on the north elevation, really it doesn't bring light or activity to the north side of the building, which I think is going to be important. So, because of that, I feel like that's going to make a big difference and the quality of the experience, especially for the users along the road. So, I know it is a hard challenge right here that we do not have a user, but that is where I am at on this.

Vice Chair Villanueva-Saucedo stated she agrees wholeheartedly with Boardmember Boyle and Ayers that if we are going to be conceding as a City, then we should expect plenty in return. And frankly, I don't think we have always gotten that so I'm encouraging staff to really hold a hard line on that if we are going to give something up, we need to get plenty in return and that's as simply as I can put it. What is selling me on this is the extensive landscaping and the commitment to upkeep of the BLM land. Because of that and because of the easements and the narrow constrictions on the site I will be in favor of the project.

Boardmember Crockett motioned to approve case ZON20-00210 with conditions of approval. The motion was seconded by Vice Chair Villanueva-Saucedo.

**That: The Board recommends the approval of case ZON20-00210 conditioned upon:**

1. Compliance with the final site plan and final landscape plan submitted.
2. Compliance with all requirements of Design Review.
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. Prior to issuance of a building permit, record a "Use Agreement" with the City of Mesa for driveway access to University Drive and landscaping across the BLM property located west of the site.
5. Prior to issuance of a building permit, record a cross access agreement with the owner of the property immediately to the east of the subject site.
6. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIZ and shown in the following table:

MZO Development Standards	Approved
<u>Minimum Setback along Property Lines for Building and Parking Areas – (north property line)</u> MZO Section 11-6-3: <i>Front and Street Facing Side – 6-lane arterial (University Drive)</i>	8 feet

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<u>Minimum Landscape Yard Setback – (north property line)</u> MZO Section 11-33-3(B)(2): <i>Landscape yard width for non-single residence uses adjacent to non-residential districts or uses</i>	8 feet
<u>Minimum Setback along Property Lines or Building and Parking Areas – (east property line)</u> MZO Section 11-6-3: <i>Interior Side (single story) Adjacent to RSL District</i>	15 feet
<u>Minimum Landscape Yard – (east property line)</u> MZO Section 11-33-3(B)(1): <i>Adjacent to RSL District</i>	0-feet to 15-feet
<u>Parking Lot Landscape Islands – MZO Section 11-33-4(B)(1)</u>	For the two rows of parking stalls that exceed 8 contiguous stalls, as shown on the final site plan, install a landscape island at only one end of the rows
<u>Parking Lot Landscape Islands– MZO Section 11-33-4(D)(1)(a): <u>required plant material</u></u>	No trees or shrubs to be installed. Only install ground cover as shown on the final landscape plan
<u>Foundation Base</u> <u>Exterior wall w/ public entrance:</u> MZO Section 11-33-5	Varies between 7 feet, 6-inches to 12-feet, as shown on the final site plan

Vote: 4-1 Approval with conditions (Chair Sarkissian and Boardmember Peterson, absent)

Upon tabulation of vote, it showed:

AYES – Villanueva-Saucedo, Allen, Crockett, and Ayers

NAYS – Boyle

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**Note: Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at [www.mesaaz.gov](http://www.mesaaz.gov)**