



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

June 5, 2024

CASE No.: BOA24-00379	PROJECT NAME: Owens 6-Plex
------------------------------	-----------------------------------

Owner's Name:	Damon Owens
Applicant's Name:	Damon Owens
Location of Request:	Within the 400 block of South Hobson (west side). Located east of Mesa Drive and south of Broadway Road on the west side of Hobson
Parcel No(s):	139-24-056A
Nature of Request:	Requesting a Development Incentive Permit (DIP) to allow for the expansion of an existing multiple residence development in the Multiple Residence 2 (RM-2) zoning district
Existing Zoning District:	Multiple Residence 2 (RM-2)
Council District:	4
Site Size:	0.4± acres
Proposed Use(s):	Multiple residence
Existing Use(s):	Duplex
Hearing Date:	June 5, 2024 / 5:30 p.m.
Staff Planner:	Jennifer Merrill
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **December 6, 1948**, the City Council voted to annex 2,420± acres including the project site into the City of Mesa (Ordinance No. 228); the project site was subsequently zoned RM-2.

On **November 1, 2023**, the Board of Adjustment approved a Development Incentive Permit (DIP) to allow for the expansion of an existing multiple residence development in the Multiple Residence 2 (RM-2) zoning district (Case No. BOA23-00723). This request allowed for an addition to an existing duplex.

PROJECT DESCRIPTION

Background:

The applicant is requesting approval of a Development Incentive Permit (DIP) to allow six

residential units in the RM-2 zoning district. The site is approximately 0.4 acres in size and located east of Mesa Drive and south of Broadway Road on the west side of Hobson. 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, and other site development provisions contained in the MZO. The previously approved DIP (BOA23-00723) allowed for an addition to the existing duplex, creating six total units on the property. The applicant has since discovered a significant cost difference between building the four new units as an addition and building the four new units as a separate structure, and has opted to build them as a separate structure. Consequently, the previously approved DIP was never utilized. Through the current DIP request, the applicant is requesting: 1) reductions to building setbacks along the north and west property lines; 2) a reduction to the minimum separation between buildings on the same lot; 3) a reduction to the parking space setback from the street; 4) reductions to the landscape yard widths along the north, west and south property lines; and 5) reductions to the minimum number of trees and/or shrubs along the north, west and south property lines. The requested deviations from the MZO ensure the proposed development 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, and the sub-type is Traditional. Per Chapter 7 of the General Plan, the goal of the Neighborhood character area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Traditional neighborhoods are predominantly single residence in character but may contain a variety of lot sizes and dwelling types. Multi-residence is listed as one of the primary land uses in Traditional neighborhoods. Per Chapter Four of the Mesa 2040 General Plan, multiple-residence housing plays an important role in the city's economy because it serves employees of hundreds of Mesa businesses who live and shop in Mesa. The proposed multiple residential use conforms with the intent of the character area because it provides additional residential units with private and common/shared amenity areas as well as adequate parking in an established residential neighborhood.

Staff reviewed the subject request and determined it is consistent with the development review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Zoning District Designations:

The existing zoning for the property is Multiple Residence 2 (RM-2). The purpose of the RM-2 district is to provide areas for a variety of housing types including single residences and townhouses. Per Section 11-5-2 of the MZO, the maximum density for RM-2 is 15 dwelling units per net acre; the proposal is for 14.6 dwelling units per acre.

The proposed multiple residential development conforms to the intent of the RM District.

Site Characteristics:

The subject property is located in the neighborhood southeast of Mesa Drive and Broadway Road, along the west side of Hobson, and consists of one parcel approximately 0.4 acres in size.

The proposed site plan shows an existing 47.5-foot-wide, 55.5-foot-deep duplex building, and a new 44-foot-wide, 37.5-foot-deep two-story building behind it. The new building contains four new residential units, bringing the total number of units on the property to six. Each unit has a private yard or balcony. Primary access to the site is provided from Hobson, and parking is shown along the south property line. A pedestrian walkway will connect each of the units with the parking area and the sidewalk adjacent to Hobson.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RM-2 Single residential	North RM-2 Multiple residential	Northeast (Across Hobson) RM-2 Multiple residential
West RM-2 Single residential	Subject Property RM-2 Multiple residential	East (Across Hobson) RM-2 Multiple residential
Southwest RM-2 Single residential	South RM-2 Multiple residential	Southeast (Across Hobson) RM-2 Multiple residential

Mesa Zoning Ordinance Requirements and Regulations:

Development Incentive Permit (DIP) Section 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 it is less than 2.5 acres in size and has been in its current configuration for more than 10 years. 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

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
Minimum Yards Interior Side and Rear Yards: 3 or more units on lot – MZO Section 11-5-5.A	Existing building: 15 feet; New building: 30 feet (15 feet per story)	Existing building: 6’ to covered patio; New building: 14’ to north property line; 15’ to west property line.	As proposed

Minimum Separation Between Buildings on Same Lot – MZO Section 11-5-5.A	Two-story building: 30 feet	17 feet, with a 5-foot encroachment for the 2nd story deck	As proposed
Parking space setback from Hobson ROW – MZO Section 11-32-4.A	50 feet	33 feet	As proposed
Perimeter Landscape Yard adjacent to single residence – MZO Section 11-33-3.B.2	Adjacent to west property line: 20 feet (min.); 5 trees & 24 shrubs	15' (min.); 2 trees & 4 shrubs	As proposed
Perimeter Landscape Yard adjacent to non-single residence – MZO Section 11-33-3.B.2	Adjacent to north and south property lines: 15 feet (min.); 5 trees & 30 shrubs	North property line: 6' (min.); 5 trees & 19 shrubs; South property line: 5' (min.); 3 trees & 19 shrubs	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 0.4± acres and has been in its current configuration for more than 10 years according to Maricopa County aerials.

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

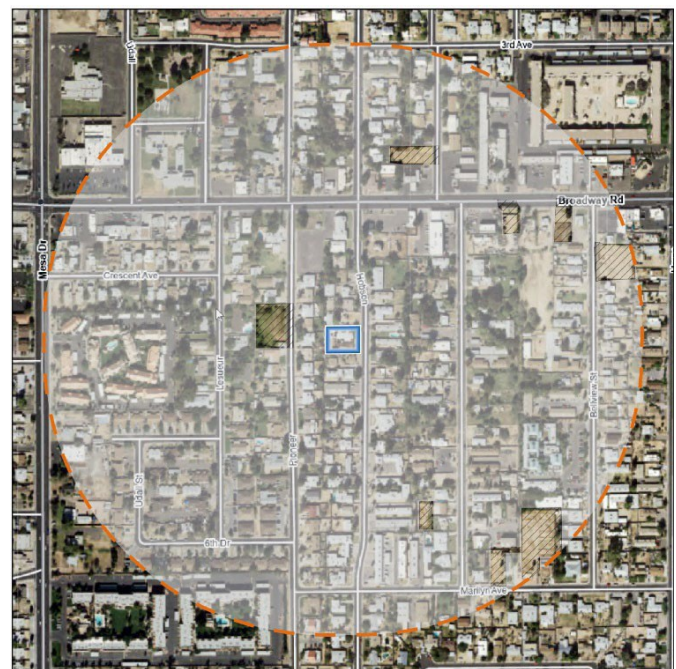
- Greater than 50 percent of the total number of lots or parcels have been developed 15 or more years ago.

Based on current aerial photography, the total developable land area (within the 1,200-foot radius of the subject property) is 2.2% vacant, which meets criterion #1. Additionally, after comparing the 15-year historical aerial photo with the current aerial photo, staff determined that over 96% of the total number of lots (within the 1,200-foot radius of the subject property) were developed more than 15 years ago, which meets criterion #2.

The request complies with these criteria.

2023 Aerial Photo

15-year Historical Aerial Photo



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:

- 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 character area designation; a multiple residential development with a density of 14.6 du/ac is permitted in the RM-2 zoning district.

The request complies with this criterion.

- 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 a 1,200-foot radius of the property. Surrounding properties contain similar densities of multiple-residential uses. The proposed development will be compatible with surrounding development.

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 project includes quality materials and design that coordinate with the existing building; the proposal meets the intent of the Design Standards of the MZO.

The request complies with this criterion.

Findings:

- A. The subject property is 0.4± acres and has been in its current configuration for more than 10 years.
- B. The subject property is served by, or 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 Neighborhood character area designation.
- G. The requested modifications will result in a development that is commensurate with existing development in the vicinity.
- H. The proposed development meets the intent of the Design Standards of this Ordinance.

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. 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 June 5, 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 plan, elevations 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 ZON23-00760 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 – Narrative

Exhibit 4 – Site Plan

Exhibit 5 – Landscape Plan

Exhibit 6 – Elevations

Exhibit 7 – Floor Plans