



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

**City Council Meeting**

**May 12, 2025**

CASE No.: **ZON24-00708**

PROJECT NAME: **Park North Multi-Family**

Owner's Name:	P & G LAND DEVELOPMENT LLC
Applicant's Name:	Chris Webb, Rose Law Group
Location of Request:	Located approximately 275 feet east of the northeast corner of South Power Road and East Guadalupe Road.
Parcel No(s):	304-05-982A
Request:	Rezone from Limited Commercial with Planned Area Development Overlay (LC-PAD) to Limited Commercial with a new Planned Area Development Overlay (LC-PAD), Council Use Permit, and Site Plan Review for a 120-unit multiple residence development.
Existing Zoning District:	Limited Commercial with a Planned Area Development Overlay (LC-PAD)
Council District:	6
Site Size:	5± acres
Proposed Use(s):	Multiple Residence
Existing Use(s):	Vacant
P&Z Hearing Date(s):	<b>February 26, 2025 / 4:00 p.m.</b>
Staff Planner:	Charlotte Bridges, Planner II
Staff Recommendation:	APPROVAL with conditions
Planning and Zoning Board Recommendation:	APPROVAL with conditions (4-0)
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **August 21, 1983**, the City Council approved the annexation of 1,855± acres including the site, into the City of Mesa (Ordinance No. 1731).

On **November 2, 1983**, the City Council rezoned 30± acres of recently annexed property. The site was rezoned from Maricopa County-43 to City of Mesa Single Residence-7 (R1-7) (equivalent to current Single Residence-7 [RS-7]) Conceptual Limited Commercial (C-2) (equivalent to current Limited Commercial [LC]) to allow for a future shopping center (Case No. Z83-128, Ordinance No. 1765).

On **December 6, 2010**, the City Council rezoned the site from RS-7 (Conceptual LC) to LC with a Planned Area Development Overlay (LC-PAD) and approved a site plan to allow for development of medical office buildings. Construction of the medical offices didn't commence within two years of approval and therefore the site plan is expired (Case No. Z10-028, Ordinance No. 5010).

On **February 11, 2025**, the Design Review Board reviewed the Proposed Project. Staff is working with the applicant to address the comments and recommendations made by the Design Review Board.

On **February 26, 2025**, the Planning and Zoning Board recommended that City Council approve the Proposed Project (Case No. ZON24-00708).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting to rezone the site from Limited Commercial with a Planned Area Development Overlay (LC-PAD) to Limited Commercial with a new Planned Area Development Overlay, approval of a Council Use Permit (CUP), and approval of a Major Site Plan Modification to allow for a 120-unit multiple residence development (Proposed Project).

The Proposed Project consists of four, three-story buildings with a total of 120 units and a clubhouse building. To accommodate the Proposed Project, this application includes a request for a new Planned Area Development (PAD) Overlay to modify certain Mesa Zoning Ordinance (MZO) development standards. A Council Use Permit has also been requested to eliminate the required commercial floor area requirements for a residential project within a commercial district.

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

Per the Mesa 2040 General Plan, the project is within the Neighborhood Character Area with a Suburban Sub-Type. Per Chapter 7 of the 2040 Mesa General Plan, the intent of the Neighborhood Character Area is to provide safe places for people to live where they feel secure and enjoy their surrounding community. In the Suburban Sub-Type, multiple residences is a primary use and the LC District is considered a secondary zoning district.

Per the 2040 Mesa General Plan, (page 7-6), secondary zoning districts and secondary land uses are only permitted after the primary zoning district and primary land use requirements are satisfied. The existing LC District is consistent with the 2040 Mesa General Plan since the majority (greater than 55 %) of the subject Suburban Sub-type character area is established with primary zoning districts and land uses.

The 2040 Mesa General Plan states that secondary zoning districts are allowed if appropriate for the location and if the secondary zoning district provides a mixed-use development and adds to the vibrancy of the area. The 2040 General Plan states that secondary zoning districts and secondary land uses are intended to support primary zoning districts and primary land uses. Although the LC District is a secondary zoning district, the land use of multiple residence is a primary land use and this project supports the uses of the character area.

The Proposed Project conforms with the goals and objectives of the Mesa 2040 General Plan by creating a horizontal mix of uses with the property to the west, adding to the mixture of housing types, providing additional population to help support commercial development in the area and contributing to the vitality of the character area.

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

**Zoning District Designations:**

The proposed project site is currently zoned Limited Commercial with a Planned Area Development Overlay (LC-PAD).

Per MZO Chapter 6, the purpose of the LC district is to provide indoor retail, entertainment and service-oriented businesses that serve the surrounding residential trade area within a one to ten-mile radius. Typical uses include, but are not limited to, grocery stores and additional large commercial developments, anchored tenant shopping centers with additional drug stores, fast-food restaurants, hardware and building supply stores, gas stations with convenience stores, restaurants, and cafes.

Per MZO Table 11-6-2, a multiple residence use is a permitted use in the LC zoning district provided it is developed and operated in compliance with requirements of Section 11-31-31: Residential Uses in Commercial Districts. Per Section 11-31-31(E) of the MZO, deviations from these development standards requires approval of a CUP. The applicant is requesting a CUP eliminate the commercial floor area requirements.

The proposed project site is also located within the Airfield Overlay Area (AOA 3). The Proposed Project is required to comply with the provisions of Chapter 19 of the MZO.

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

<b>Northwest</b> LC Monterey Park	<b>North</b> RS-6 Monterey Park	<b>Northeast</b> RS-7 Monterey Park
<b>West</b> LC-PAD Convenience Market, Service Station, Automobile/Vehicle Washing	<b>Proposed Project Site</b> LC-PAD Vacant	<b>East</b> RS-7 Monterey Park

<p><b>Southwest</b> (Across Guadalupe Road) MCFCD canal</p>	<p><b>South</b> MCFCD canal (Across Guadalupe Road) PS Highland Junior High (Gilbert Unified School)</p>	<p><b>Southeast</b> MCFCD canal (Across Guadalupe Road) PS Highland Junior High (Gilbert Unified School)</p>
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**Compatibility with Surrounding Land Uses:**

To the north and east of the proposed project site is Monterey Park. Immediately to the south, is the MCFCD canal and across Guadalupe Road is Highland Junior High (Gilbert Unified School). To the west there is a vacant convenience store, service station, and stand-alone car wash.

Improvements being made to the proposed project site include providing pedestrian walkways to Monterey Park to the north, across the access bridge to Guadalupe Road to the south and to the commercial project to the west. Also, an emergency egress is provided at the southwest corner of the proposed project site to the property to the west via an existing access easement. These connections help to create a horizontally integrated mixed-use development, which will facilitate the Proposed Project's residents access to Monterey Park and to nearby goods and services.

Additional measures are being taken to help ensure compatibility with the park. As discussed in the "Good Neighbor Policy" submitted with this request, the Proposed Project will be requiring all tenants to sign a "Disclosure and Acknowledgment" form, which will waive all rights to file complaints with the City about the park's activities, noise, lights, etc., under penalty of fines and termination of their lease. Also, 36 new trees will be planted by the developer in Monterey Park along the north property line of the proposed project site to help create a buffer between the two uses.

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

The Proposed Project includes construction of two 36-unit buildings, two 24-unit buildings and a clubhouse/leasing office. The multiple residence buildings will be three stories in height, while the clubhouse is a single-story building. The 24-unit buildings will each contain 18 two-bedroom units and six three-bedroom units. The 36-unit buildings will each contain 12 one-bedroom units, 18 two-bedroom units, and six three-bedroom units.

Within the multiple residence buildings, all dwelling units include private open space, with the ground floor units having private patios, and the second and third story units having private balconies. The main common space/amenity area is centrally located and the focal point upon entering the site. It consists of a clubhouse/leasing office with an indoor lounging area, fitness center and a dog wash area.

A community pool is located north of the clubhouse/leasing office and is surrounded by outdoor lounging areas with chairs and additional amenities such as a fire table and ping pong table. In addition, dog park areas are provided at the northwest and northeast corners of the site.

An “artist mural” is proposed on the south elevation of the multiple residence building to the east of the clubhouse to greet residents and visitors and help create a “sense of place”.

Access is provided to the proposed project site from Guadalupe Road via a new box culvert/bridge across the MCFCD canal that will be privately owned and maintained by the property owner. Beyond the entrance area, the proposed project site is gated. Also, an emergency egress is provided at the southwest corner of the site via a cross-access easement with the adjacent commercial property.

Per Section 11-32-3 of the MZO, 252 parking spaces are required for the Proposed Project. The site plan indicates 252 parking spaces are provided, including 122 covered parking spaces, which complies with MZO development standards for multiple residence uses.

Pedestrian walkways throughout the site connect the buildings and amenity spaces to one another and across the bridge to Guadalupe Road, Monterey Park to the north, and to the adjacent commercial development to the west.

The landscape design includes trees, shrubs, and live and inert ground cover around the perimeter of the site, within parking lot landscape islands, and in foundation base areas adjacent to the buildings. The applicant will work with MCFCD to provide shrubs and groundcover between the canal and Guadalupe Road for the length of the proposed project site frontage and work with City of Mesa Parks and Recreation to provide trees in Monterey Park along the north side of the proposed project site.

Overall, the Proposed Project the review criteria set forth in Section 11-69-5 of the MZO.

**PAD Overlay Modification – MZO Article 3, Chapter 22:**

Per Section 11-22 of the MZO, the purpose of the PAD overlay is to permit flexibility in the application of zoning standards and requirements. The Proposed Project must demonstrate that equivalent or superior standards are used to meet the intent of the underlying zoning district and General Plan. The PAD overlay allows for creative, innovative and flexible design that creates high-quality development for the site.

Development Standards	MZO Required	PAD Proposed	Staff Recommendation
<u>Maximum Building Height</u> – MZO Table 11-6-3.A	30 feet	<b>38 feet</b>	<b>As proposed</b>

Development Standards	MZO Required	PAD Proposed	Staff Recommendation
<u>Minimum Setback along Property Lines to Building and Parking Areas – MZO Table 11-6-3.A</u> -Front and Street-Facing Side: 6-lane arterial street (Guadalupe Road)  -Interior Side and Rear Adjacent to RS District: 3-story building (North property line)  (East property line)  -Interior Side and Rear Adjacent to Non-residential District: (West property line)	15 feet  75 feet  75 feet  15 feet each story (45 feet total)	0 feet  5 feet  15 feet  15 feet total	As proposed
<u>Minimum Separation between Buildings on Same Lot – MZO Table 11-6-3.A</u> -Building height between 20 and 40 feet	30 feet	25 feet	As proposed
<u>Fences and Freestanding Walls Maximum Height – MZO Section 11-30-4(B)(1)(a)</u> - Front Yards and Required Side Yards (Guadalupe Road)	3.5 feet	6 feet	As proposed
<u>Fence Materials in Commercial and Employment Districts – MZO Section 11-30-4(B)(2)(a)(i)</u> -Fence Materials in Commercial and Employment Districts	Chain link may only be used when not visible from public view	Existing chain link fence may remain along the south property line	As proposed

Development Standards	MZO Required	PAD Proposed	Staff Recommendation
<u>Screening – Parking Areas – MZO Section 11-30-9(H)</u>  	Parking areas and drive aisles shall be screened from street(s) with masonry wall, berm or combination of walls/berms and densely planted landscaping or "vertical wire trellis panels". No more than 40 percent of the screening shall be accomplished with dense landscaping	<b>Parking areas and drive aisles will not be screened</b>	<b>As proposed</b>
<u>Required Landscape Yards– MZO Section 11-33-3(B)(1)(a)(ii)</u> -Landscaping for Non-Single Residence Uses adjacent to Single Residence Uses or Districts: Sites five acres or more adjacent to an RS or RSL district (North property line)  (East property line)	25 feet  25 feet	5 feet  15 feet	<b>As proposed</b>
<u>Perimeter Landscape Required Plant Material –</u> <u>MZO Table 11-33-3.A.4 and Section 11-33-3(B)(1)(c)(ii):</u> - Arterial Streets (Guadalupe Road)  (North property line)	1 tree and 6 shrubs per 25 linear feet of frontage (886± feet of frontage = 36 trees and 213 shrubs total)  4 non-deciduous trees and 20 shrubs per 100 linear feet of adjacent property line (885± feet of adjacent property line = 36 trees and 177 shrubs total)	<b>0 trees, 0 shrubs</b>   <b>0 trees and 194 shrubs</b>	<b>As proposed</b>

Development Standards	MZO Required	PAD Proposed	Staff Recommendation
<u>Foundation Base, Exterior Walls with Public Entrances – MZO Section 11-33-5(A)(1)(a)(i)</u> - Buildings larger than 10,000 square feet with parking spaces that abut the foundation base	An additional foundation base shall be provided at the entrance to create an entry plaza area. The plaza area shall have a minimum width and depth of 20 feet, and a minimum area of 900 square feet	<b>A plaza area shall not be required adjacent to the east elevation of the Building 3 or the west elevation of Building 4</b>	<b>As proposed</b>

Maximum Building Height:

Per Table 11-6-3.A of the MZO, the maximum building height in the LC District is 30 feet and the applicant is proposing three-story building that is a maximum of 38 feet in height. The parapet heights vary to meet the requirements for roof articulation.

Minimum Setback along Property Lines to Building and Parking Areas:

Per Table 11-6-3.A of the MZO, there is a minimum 15 -foot required setback adjacent to the Guadalupe Road (south property line) which is a six-lane arterial street. The Maricopa County Flood Control District (MCFCD) canal sits between the proposed project site and Guadalupe Road and there is an existing 20-foot-wide MCFCD access easement along the proposed project site's south property line.

As the canal and easement provide a buffer from the adjacent roadway, the applicant is requesting to eliminate the setback requirement along Guadalupe Road.

Per Table 11-33-3(A)(4) of the MZO, this landscape yard is required to contain 36 trees and 213 shrubs (one tree and six shrubs per 25 linear feet of frontage [886± feet of frontage]). The Maricopa County Flood Control District (MCFCD) canal sits between the proposed project site and Guadalupe Road and there is an existing 20 feet wide MCFCD access easement along the proposed project site's south property line which must remain free and clear of trees and bushes.

The applicant is requesting to eliminate the required on-site landscape yard and plant material adjacent to the south property line. To compensate for this requested modification, the applicant proposes to provide shrubs and ground cover in a portion of the MCFCD property frontage along Guadalupe Road, to improve the Guadalupe Road streetscape adjacent to the proposed project site. The email from MCFCD provided by the applicant indicates MCFCD will approve the proposed plant material subject to their formal review of the project.

Per Table 11-6-3.A of the MZO, the required setback for a three-story building adjacent to a RS District is 75 feet (15 feet per story).



The applicant is requesting a five-foot setback along the north property line to parking spaces and 15-foot setback along the east property line to the adjacent parking spaces.

In addition, per Table 11-6-3.A of the MZO, the required minimum setback to a three-story building adjacent to a non-residential district is 45 feet (15 feet per story).

The applicant is requesting a 15-foot setback to parking spaces adjacent to the west property line.

Minimum Separation between Buildings on Same Lot:

Per Table 11-6-3.A of the MZO, the separation between buildings on the same lot with a building height between 20 and 40 feet is 30 feet. The buildings within the Proposed Project are 20 to 38 feet in height.

The applicant is requesting a 25-foot separation between buildings.

Fences and Freestanding Walls:

Per Section 11-30-4(B)(1)(a) of the MZO, the maximum fence and freestanding wall height in the front yard of the LC district is 3.5 feet. Also, per Section 11-30-4(B)(2)(i) of the MZO, chain link fencing may only be used when not visible from public view.

The applicant is requesting to modify these development standards to allow an existing six-foot-tall chain link fence, which is visible from Guadalupe Road, to remain along the south property line adjacent to the MCFCD property. Per the project narrative, MCFCD is requiring this fence to remain.

Screening – Parking Areas:

Per Section 11-30-9(H) of the MZO, parking areas and drive aisles shall be screened from street(s) with masonry wall, berm or combination of walls/berms and densely planted landscaping or "vertical wire trellis panels". No more than 40% of the screening shall be accomplished with dense landscaping.

The applicant is requesting to modify this development standard to not screen the parking spaces in front the clubhouse or the drive along the south side of the proposed project site from Guadalupe Road.

Per the project narrative, MCFCD will not allow the required screen wall to be constructed along the south side of the drive aisle because it would be within the 20 feet wide access easement for the MCFCD canal.

Instead of providing the required screen wall, the applicant is proposing to provide shrubs and groundcover on the MCFCD property frontage adjacent to Guadalupe Road, which will improve the streetscape and help screen the parking and drive aisle from Guadalupe Road.

Perimeter Landscape Yard:

Per Section 11-33-3(B)(1)(a)(ii) of the MZO, sites five acres or more adjacent to an RS district, non-single residence uses adjacent to single residence uses or districts must provide a minimum 25-foot landscape yard. Monterey Park, which is located north and east of the proposed project site, is zoned RS-6 and RS-7, respectively.

The applicant is requesting a five-foot landscape yard along the north property line and a 15-foot landscape yard along the eastern property line.

Also, per Section 11-33-3(1)(c)(ii) of the MZO, four non-deciduous trees and 20 shrubs per 100 linear feet of adjacent property line are required adjacent to the north property line, which equate to 36 trees and 177 shrubs for 885± linear feet of property line.

The applicant is requesting a modification of this development standard to provide 213 shrubs within a five-foot-wide landscape yard along the north property line of the proposed project site and the required 36 trees in a 15-foot-wide landscape area along the north side of the north property line within Monterey Park. The applicant has worked with Planning and Parks and Recreation staff to coordinate the installation of the trees within Monterey Park.

Foundation Base, Exterior Walls with Public Entrances:

Per Section 11-33-59(A)(1)(a)(i) of the MZO, buildings larger than 10,000 square feet with parking spaces that abut the foundation base, an additional foundation base shall be provided at the entrance to create an entry plaza area. The plaza area shall have a minimum width and depth of 20 feet, and a minimum area of 900 square feet.

The applicant is requesting to modify this development standard to not require a plaza area adjacent to the east elevation of Building 3 or the west elevations of Building 4. The plans indicate the otherwise required 15 feet wide foundation base is provided at these two locations.

PAD Justification:

The project narrative outlines equivalent or superior improvements that are incorporated into the Proposed Project to justify the requested PAD Overlay, including the following:

- Installation of shrubs and groundcovers between the MCFCD canal and Guadalupe Road equivalent in the length of the proposed project site's south property line, which will improve the streetscape along Guadalupe Road and help screen the parking spaces and drive aisles from public view.
- Providing private open space patios/balconies of 90 square feet for each one-bedroom unit where only 60 square feet is required, 118 square feet for each two-bedroom unit where only 100 square feet is required, and 220 square feet for each three-bedroom unit where only 120 square feet is required.
- Providing common space amenity areas, which include a community pool, barbeque with outdoor seating, fitness center, both indoor and outdoor lounging areas, an outdoor ping pong table, two separate dog parks, and a dog washing station.
- Exceeding the minimum required LC District outdoor living area requirement of 100 square feet per unit by providing a total of 178 square feet for each one-bedroom unit, 206 square feet for each two-bedroom unit, and 308 square feet for each three-bedroom unit.

- Providing a pedestrian connection to Monterey Park, the commercial property to the west and to Guadalupe Road allowing for easy pedestrian access for residents to the park and other goods and services in the area.
- Installing new trees north of the proposed project site's north property line, in Monterey Park to provide an enhanced landscape buffer between the Proposed Project and the park, to ensure ongoing compatibility between the Proposed Project and the park.

In addition, the project narrative outlines the following elements incorporated into the Proposed Project to demonstrate compliance with Section 11-31-32 of the MZO, Superior Design:

- Holistic approach to the site design, architecture, landscape and signage by utilizing varied, and regionally appropriate building materials; varied use of building massing, forms and detailing, including an "artist mural" on the building most visible upon entry into the Proposed Project; and a rainwater harvesting system to direct stormwater into perimeter landscape areas.
- Creating unique sense of place by providing physical connections to Monterey Park, the commercial project to the west and to Guadalupe Road and installing perimeter plant material to integrate the Proposed Project into the adjacent developments.
- Incorporating sustainable design elements such as a rainwater harvesting system to utilize stormwater to help irrigate perimeter landscape area thereby promoting water conservation; incorporating 18 total electric vehicle (EV) charging/parking stations into the project, thereby promoting energy conservation and alternative modes of transportation.
- Orienting the buildings such that the majority of the units face north and south, thereby avoiding direct sun exposure from the east in the morning and the west in the evening; providing recessed balconies and patios, metal awnings and overhangs over windows where necessary and trees at the ground level to further reduce summer sun penetrations and provide shade protection; inclusion of energy star certified appliances, programmable thermostats, water efficient plumbing and mindful landscaping.
- Creating great public spaces by providing a common amenity area to foster social interaction within the community, easy access to Monterey Park, providing an enhanced landscape buffer between the Proposed Project and the park to ensure ongoing compatibility

These improvements and others outlined in the project narrative demonstrate the Proposed Project meets the intent of the PAD Overlay District outlined in Section 11-22-1 of the MZO.

**Council Use Permit (CUP):**

Per Section 11-31-31(A)(1)(b) of the MZO, projects with multiple story buildings or a mixture of single-story and multi-story buildings must provide a minimum amount of commercial floor space before residential use may be included in a project. These requirements include:

- A minimum of 60% of the gross floor area (GFA) of all the buildings for the project is reserved for commercial uses; and
- A minimum of 65% of the ground floor of the building is reserved for commercial uses.

Modifications to the commercial floor area requirements are permitted by the Mesa City Code, if a Council Use Permit ("CUP") is approved by City Council.

The planned multiple residence development has no commercial use, and applicant is seeking approval of a CUP as part of this project. The applicant is requesting to eliminate the commercial floor area requirements through a CUP per Section 11-31-31(E) of the MZO.

Section 11-31-31(F) outlines the criteria for approval of a Council Use Permit for residential uses in commercial districts:

- A. The use is found to be in compliance with the General Plan, Sub-Area Plans and other recognized development plans or policies, and will be compatible with surrounding uses; and

**The Proposed Project complies with the Mesa 2040 General Plan. The proposed project site, zoned Limited Commercial (LC), allows for the development of a multiple residence use as part of a mixed-use development. When the Proposed Project is evaluated on its own, it does not meet the intent of the LC District which is to provide areas for indoor retail, entertainment and service-oriented businesses that serve the residential trade area within one to 10 miles. The Proposed Project conforms to the intent of the Neighborhood Character Area because a majority of the properties within the Character Area are zoned residentially and are developed with residential uses. Multiple residence use is considered a "primary" use. The Proposed Project will preserve the site's existing LC zoning district although future commercial activity on the site may be limited.**

- B. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations; and

**A Plan of Operation was provided that addresses compliance with zoning, building, and fire safety regulations. The applicant is requesting a PAD Overlay to modify certain MZO development standards applicable to the LC District, which if approved will bring the proposed project site into conformance with the underlying LC District development standards.**

- C. A finding that a "good neighbor policy" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses; including measures to assure that commercial activity will remain as a viable activity on this site; and

**A Good Neighbor Policy was provided by the applicant. The applicant is requesting to remove all requirements for commercial uses on the property through the CUP request. The Good Neighbor Policy does not include measures to ensure that commercial activity will remain a viable activity on the site in the future. The Good Neighbor Policy outlines**

how the Proposed Project ensures ongoing compatibility of the fully residential project with adjacent uses.

Per the Good Neighbor Policy, pedestrian connectivity is provided to allow interaction with the commercial development to the west and Monterey Park to the north creating a mixed-use feel and environment.

To help eliminate potential complaints about the park, the project narrative indicates all tenants of the Proposed Project will be required to sign a “Disclosure and Acknowledgment” form. This form will waive all rights to file complaints with the City about the park’s activities, noise, lights, etc., under penalty of fines and termination of their lease. Thirty-six new trees will be planted by the developer in Monterey Park along the north property line of the proposed project site to help create a buffer between the two uses.

- D. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current City development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines; and

**The applicant is requesting a PAD Overlay to modify certain development standards for the LC District. If approved, the Proposed Project will be in substantial conformance with City development standards.**

- E. The overall project conforms to the intent and character of the zoning district and is part of a well-integrated mixed-use project.

**Per the narrative, the Proposed Project will be connected to the adjacent commercial corner to the west by an emergency egress and pedestrian walkway and Monterey Park by a pedestrian walkway, thereby creating a well-integrated horizontally mixed-use area. When the Proposed Project is evaluated on its own, it does not meet the intent of the LC District which is to provide areas for indoor retail, entertainment and service-oriented businesses that serve the residential trade area within one to 10 miles.**

Requests for a CUP shall also follow the review criteria set forth in Section 11-70-6(D) of the MZO:

- A. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies:

**The request conforms to the goals of the Mesa 2040 General Plan and meets the development review criteria outlined in Chapter 15 (pg. 15-1), by providing appropriate infill development, adding to the mix of uses to further enhance the intended character of the area, improving the streetscape and connectivity within the area, adding to the sense of place, and meeting or exceeding the development quality of the surrounding area.**

- B. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;

**As discussed above the Proposed Project is not consistent with the purpose of the LC zoning district. However, the LC District allows for multiple residential uses in compliance with Section 11-31-31 of the MZO and allows City Council to modify commercial floor area with the approval of a CUP. Additionally, as previously discussed in this report, the location, size, design, and operating characteristics of the Proposed Project conform with the Mesa 2040 General Plan.**

- C. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area of the proposed project or improvements in the neighborhood or to the general welfare of the City; and

**The applicant is requesting to eliminate the requirement for a commercial component on the proposed project site and to develop it solely as a multiple residence use. As of January 1, 2025, the state will no longer be collecting a transaction privilege tax (TPT) applicable to rental properties. The elimination of the commercial uses from the property will not result in potential future sales tax revenue.**

- D. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

**Adequate public facilities, such as public schools, police, fire protection, and public infrastructure (i.e. utilities, roadways and public transit) are available to serve the proposed project site.**

**Development Agreement:**

The Proposed Project is associated with a Development Agreement (DA) (Record No. DA24-00052). The Proposed Project is consistent with the DA, and final execution of the DA is required prior to the approval of this application by the City Council.

**School Impact Analysis:**

The Gilbert Public School District reviewed the request for its potential impact on the existing schools in the area. The school district provided the following analysis:

<b>Proposed Project (120 units)</b>	<b>Name of School</b>	<b>Annual Estimated Demand</b>	<b>Adequate Capacity to Serve</b>
Superstition Springs	Elementary	8 Students	Yes
Highland	Middle School	8 Students	Yes
Highland	High School	10 Students	Yes

**Neighborhood Participation Plan and Public Comments:**

The applicant completed a Citizen Participation process including notifying surrounding property owners within 1,000 feet, HOAs within one-mile, registered neighbors within one-half mile, and the Councilmember and Council District Coordinator.

The applicant hosted in-person neighborhood meetings to review the Proposed Project at the Superstition Springs Elementary School on March 28, 2024, and November 14, 2024. Both meetings were well attended by neighbors and Planning staff received many emails opposed to the Proposed Project. These emails are included in the Citizen Participation Report for reference. The chief concerns expressed at the neighborhood meeting and in the emails center on traffic and pedestrian safety.

The Citizen Participation Report summarizes comments and concerns expressed at these meetings and the applicant's responses. In response to the traffic concerns, the applicant provided a Traffic Statement, which is included in the ZON24-00708 information packet (Exhibit 12) for reference. The conclusion of the Traffic Statement indicates the Proposed Project is estimated to generate substantially less (48% to 71% less) traffic than the previously approved medical office development depending on the time of day.

In response to the concerns expressed about pedestrian safety, the applicant explained that the Proposed Project is providing pedestrian walkways for residents to Monterey Park to the north, the commercial property to the west and to Guadalupe Road public sidewalk. Where crossing drive aisles within the Proposed Project, these walkways will be raised and finished with a material distinctly different in color and texture to physically, visually and audibly alert drivers to the crosswalk. In addition, the walkways will be raised six-inches and separated by a curb when adjacent to parking spaces and drive aisles including the walkways on the bridge. Finally, an existing crosswalk is provided to the east of the proposed project site from the sidewalk along the north side of Guadalupe Road, across Guadalupe Road to the sidewalk on the south side of Guadalupe Road, which connects to the Highland Junior High. These new and existing walkways and crosswalks will separate and help protect pedestrians from vehicular traffic both within the Proposed Project and along Guadalupe Road.

At the February 26, 2025 Planning and Zoning Board meeting, seven residents spoke in opposition to the project. Many residents voiced concerns that the proposed development will worsen traffic, increase accidents, and that an apartment complex is unsuitable for the area. Additionally, they felt they were not properly informed or given sufficient notice about the neighborhood meetings.

In response, the applicant explained that the proposed development is designed to integrate well with the community and emphasized that it will not significantly increase traffic or safety issues. They pointed out that the traffic generated by the apartment complex would not overlap with the busy school pickup and drop-off times, thereby minimizing its impact. Regarding transparency, the applicant stated that all city notification requirements had been met and that they had made efforts to ensure proper communication with the public.

**Staff Recommendation:**

Staff finds the Proposed Project 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, the review criteria for a Council Use Permit outlined in MZO Sections 11-31-31(F) and 11-70-6 of the MZO, and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

Staff recommends approval of the request with the following **Conditions of Approval:**

1. Compliance with the final site plan submitted.
2. Compliance with the Plan of Operation and Good Neighbor Policy submitted.
3. Compliance with all requirements of Design Review Case No. DRB24-00707.
4. Execute and comply with the Development Agreement (DA24-00052), and all future amendments to it.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner must execute the City's standard Avigation Easement and Release for Mesa Gateway Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
  - b. Due to the proximity to Mesa Gateway Airport, any proposed permanent or temporary structure, as required by the FAA, is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.
  - c. Prior to the issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.
  - d. Provide written notice to future property owners that the project is within three miles of Mesa Gateway Airport
  - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must state in part: "This property, due to its proximity to Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
7. All off-site improvements and street frontage landscaping must be installed in the first phase of construction.
8. Compliance with all City development codes and regulations, except the modification to the development standards as approved with this PAD overlay as shown in the following table:

Development Standards	Approved
<u>Maximum Building Height</u> – MZO Table 11-6-3.A	38 feet





Development Standards	Approved
<u>Perimeter Landscape Required Plant Material –</u> <i>MZO Table 11-33-3.A.4 and Section 11-33-3(B)(1)(c)(ii):</i> - Arterial Streets (Guadalupe Road)  (North property line)	0 trees, 0 shrubs  0 trees and 194 shrubs
<u>Foundation Base, Exterior Walls with Public Entrances – MZO Section 11-33-59(A)(1)(a)(i)</u> - Buildings larger than 10,000 square feet with parking spaces that abut the foundation base	A plaza area shall not be required adjacent to the east elevation of the Building 3 or the west elevation of Building 4

**Exhibits:**

- Exhibit 1 - Presentation
- Exhibit 2 - Ordinance
- Exhibit 3 - Ordinance Map
- Exhibit 4 - Vicinity Map
- Exhibit 5 - Site Plan
- Exhibit 6 - Minutes
- Exhibit 7 - Submittal Documents