



**PLANNING DIVISION  
STAFF REPORT**

**City Council Meeting**

**April 15, 2024**

CASE No.: <b>ZON23-00378</b>	PROJECT NAME: <b>Montorres</b>
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Owner's Name:	Moreno Yesica Marcela Montoya/ Gallego Anny Jo
Applicant's Name:	Tim Boyle, Atmosphere Architects
Location of Request:	Within the 300 block of North Alma School (east side). Located south of University Drive and east of Alma School Road.
Parcel No(s):	135-54-013B, 135-54-013D, 135-54-014A, 135-54-018A
Request:	Rezone from Office Commercial (OC) to Limited Commercial with a Bonus Intensity Zone overlay (LC-BIZ), Site Plan Review, and Council Use Permit for a mixed-use development.
Existing Zoning District:	Office Commercial (OC)
Council District:	4
Site Size:	1± acre
Proposed Use(s):	Mixed-use
Existing Use(s):	Commercial
P&Z Hearing Date(s):	<b>March 13, 2024 / 4:00 p.m.</b>
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (6-0)
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **December 6, 1948**, the project site was annexed into the City of Mesa as part of a 2,419± acre annexation and the subject property was zoned Multiple Residence 2 (RM-2) (Ordinance No. 228).

On **November 6, 2006**, the City Council approved a rezoning of 1± acre, including the 1± acre subject property, from Limited Commercial (LC) and Single Residence 6 (RS-6) to Office Commercial (OC)(Case No. Z06-063; Ordinance No. 4610).

On **September 7, 2022**, the Board of Adjustment approved a Substantial Conformance Improvement Permit (SCIP) to allow for the existing sewing shop to expand within the existing setbacks for a new addition, which included addition parking located on site, enhanced landscaping along Alma School and a paved parking surface located on the northwest corner of the site (Case No. BOA22-00764).

On **December 12, 2023**, the Design Review Board reviewed the proposed building elevations and landscape plan. The applicant is working with staff to incorporate the suggested changes.

On **March 13, 2024**, the Planning and Zoning Board reviewed the proposed rezoning, Site Plan and Council Use Permit and recommended approval (Vote 6-0).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting to rezone the property from Office Commercial (OC) to Limited Commercial with a Bonus Intensity Zone overlay (LC-BIZ) and site plan review to allow for a mixed-use development consisting of commercial and multiple residence uses (Proposed Project). The project site is located south of University Drive, on the east side of Alma School Road and is approximately 1± acre in size.

This request will allow for a 15-unit mixed use multiple residence development which includes an existing sewing store shop, a vertical mixed use building containing ground floor commercial and upper floor residential, and three standalone townhome buildings.

Per Section 11-6-2 of the Mesa Zoning Ordinance (MZO), multiple residence is permitted in the LC district provided the development complies with the Residential Uses in Commercial Districts requirement of Section 11-31-31. The applicant is requesting approval of an CUP to reduce the minimum commercial floor area requirements of Section 11-31-31.

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

The Mesa 2040 General Plan Character area designation on the property is Neighborhood. 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 Proposed Project is located within the Suburban Sub-type. Within the Suburban Sub-type the overall neighborhood may include multiple residence properties and commercial uses along arterial frontages and at major street intersections. The Proposed Project is located along Alma School Road which is an arterial road and the commercial portions of the mixed-use project are located along the street frontage. The Proposed Project is consistent with the intent of the Neighborhood Character Area and Suburban Sub-type of the General Plan.

LC is listed as a secondary zoning district within the Neighborhood-Suburban Sub-type. Multiple residence is listed as secondary land use and is supported within the Neighborhood character area provided that at least 70% of the total character area has been established with primary land uses. Over 70% of the character area has been established with primary zoning districts and land uses; therefore, the use of a secondary zoning district and land uses are allowed.

After review, the Proposed Project complies with the requirements for the Neighborhood-Suburban District and is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

**Zoning District Designations:**

The applicant is requesting to rezone the subject property from OC to LC-BIZ. Per Table 11-6-3 of the MZO, commercial uses, such as personal services retail are permitted use in the LC district. Multiple residence uses are also allowed in the LC district subject to compliance with the standards outlined in Section 11-31-31 of the MZO. Projects that cannot comply with the standards set forth in Section 11-31-31 require a Council Use Permit.

**Council Use Permit:**

Per Table 11-6-2 of the MZO, multiple residence uses are permitted in the LC zoning district subject to conformance with outlined requirements in Section 11-31-31 of the MZO.

Per Section 11-31-31(A)(1)(B) of the MZO, a project with multiple story buildings may include residential uses if: 1) a minimum of 60% of the gross floor area (GFA) of all buildings is reserved for commercial uses; and 2) a minimum of 65% of the ground floor of each multi-story building is reserved for commercial uses. The applicant is requesting 40% ground floor commercial uses for the multi-story buildings proposed on site.

Per Section 11-31-31(E) of the MZO, modifications to the maximum residential density and commercial floor area requirements require approval of a CUP. Section 11-31-31(F) of the MZO contains the following review criteria for a CUP:

- 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;  
**The Proposed Project will advance the goals and objectives of and is consistent with the policies of the General Plan, specifically the Neighborhood District character area by allowing for a mixture of housing uses within a mixed-use setting.**
- 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;  
**Staff reviewed the operations plan and finds the Proposed Project to be in conformance with applicable zoning, building, fire, and engineering codes except for modifications requested through the BIZ.**
- 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;

**A good neighbor policy has been submitted, which includes measures to ensure ongoing compatibility with adjacent property owners.**

- 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 Proposed Project 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 with the approval of deviations requested through the proposed BIZ overlay.**

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

**The location, size, design, and operating characteristics of the proposed project are generally consistent with the intent of the LC district. In the Proposed Project, commercial and mixed-use buildings are placed at or near the front setback line to promote an active streetscape and the project will include pedestrian-friendly design elements such as direct sidewalk connections, textured crossings, and a common open space.**

**Bonus Intensity Zone (BIZ) Overlay – MZO Article 3, Chapter 21:**

The Proposed Project includes a request for a Bonus Intensity Zone overlay (BIZ) to allow for modifications to certain required development standards of the MZO. Table 1 below shows the MZO required standard and the applicant’s proposed BIZ standard.

Table 1: Development Standards

<b>MZO Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Recommendation</b>
<u>Minimum Building Setbacks</u> - <i>MZO Section 11-6-3(A)</i> -Interior Side and Rear: Adjacent to Single Residential District (eastern and southern property lines)  -Street-Facing Side adjacent to a 6-lane arterial (Alma School Road)  - Interior Side and Rear: Adjacent to Non-Residential	Two Story – 50 feet Three Story – 75 feet  15 feet  15 feet per story (45 feet total)	<b>Two Story – 15 feet</b> <b>Three Story – 15 feet</b>  <b>10 feet</b>  <b>1 foot total</b>	As proposed
<u>Minimum Landscape Yards</u> <i>- MZO Section 11-33-3(B)(2)</i>			

<b>MZO Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Recommendation</b>
-Non-single residence uses adjacent to other non-single residence (North Side)	15 feet	<b>1 foot total</b>	As proposed
-Street-Facing Side (Alma School Road)	20 feet	<b>10 feet</b>	
<u>Minimum Separation between Buildings on the Same Lot</u> - <i>MZO Table 11-6-3</i> -Buildings between 20 and 40 ft.	30 feet	<b>15 feet</b>	As proposed
<u>Required Parking Spaces</u> – <i>MZO Section 11-32-3(A)</i> - Multiple Residence	2.1 spaces per dwelling unit (32 spaces total)	<b>2 Spaces per dwelling unit (30 spaces)</b>	As proposed
-Personal Services	1 space per 375 square feet (14 spaces total)	<b>1 space per 650 square feet (8 spaces)</b>	
<u>Landscape Islands</u> – <i>MZO Section 11-33-4(B)(2)</i>	Landscape islands shall be a minimum of eight feet wide and 15 feet in length for single-row of parking	<b>Landscape islands shall be a minimum of one (1) foot wide and 15 feet in length for a single-row of parking</b>	As proposed

Minimum Building Setback:

Per Section 11-6-3(A) of the MZO, the minimum building setback when adjacent to non-residential zoning is 15 feet per story. The required setback along the northern property line is therefore 45 feet for the three-story building.

The applicant is requesting a one-foot setback to allow for the existing sewing shop building to remain in place.

Per Section 11-6-3(A) of the MZO, the minimum building setback along 6-lane arterial streets is 15 feet.

The applicant is requesting a 10-foot setback along Alma School Road to accommodate the existing sewing shop building and to maintain the existing street wall for the new proposed mixed-use building.

Per Section 11-6-3(A) of the MZO, the minimum building setback when adjacent to single residential is 50 feet for a two-story structure and 75 feet for a three-story structure.

The applicant is requesting a 15-foot setback along the eastern and southern property lines to allow for the new proposed structures.

Minimum Landscape Yards:

Per Section 11-33-3(B) of the MZO, the minimum width for landscape yards along property lines adjacent to non-single residence uses is 15 feet.

The applicant is requesting a reduction from 15 feet to one foot along the northern property line adjacent to the existing sewing shop building.

Per Section 11-6-3(A) of the MZO, the minimum landscape yard width along 6-lane arterial streets is 15 feet.

The applicant is requesting a 10-foot-wide landscape yard adjacent to the existing sewing shop as well as for the new proposed mixed-use structure to create an urban street frontage.

Required Parking Spaces:

Per Section 11-32-3(A) of the MZO, 2.1 parking spaces are required per dwelling unit for multiple residence developments and 1 space per 375 square feet for commercial uses. Based on this standard, a minimum of 46 spaces are required for the project.

The applicant is requesting to reduce the overall requirement for the proposed parking from 46 parking spaces to 38 parking spaces, by reducing the residential required parking to 2 spaces per unit and by providing 1 space per 650 square feet of commercial space.

Because the property has an existing commercial use, shared parking will be used on site for uses with separate peak PM trips. The parking demand, when accounting for shared parking, is 37 spaces per the development based on the traffic study provided via the American Planning Association (APA) Parking Standards. Staff has no concerns with the request for reduced parking.

Required Landscape Islands Width:

Per Section 11-33-4(B)(1) of the MZO, landscape islands shall be a minimum of eight feet wide and 15 feet in length for single-row parking.

The applicant is requesting to modify this standard to allow a parking island width of one foot.

Per the applicant, this modification is needed to provide an appropriate number of surface parking stalls, while also providing a metal parking screening element.

**BIZ Justification:**

Per Section 11-21-3(B) of the MZO, the City Council may approve modifications to the underlying district standards so long as the project includes distinctive, superior quality designs and incorporates sustainable design elements as outlined in Section 11-21-3(B)(2).

Per Section 11-31-32 of the MZO, a superior design is one that incorporates the following five elements; (1) holistic site and project design; (2) responsive approach to the site; (3) sustainable design; (4) site and design standards that exceed the standard development requirements, and quality public spaces and; (5) great public spaces.

The submitted documents show the Proposed Project will include superior design elements that reflect a modern architectural character, provides for shaded pedestrian walkways, and bicycle racks, and feature high-quality amenities and an open space area for recreation.

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

The Proposed Project includes a total of five buildings on site which includes the existing sewing shop, a mixed-use building with ground floor commercial adjacent to Alma School, and three multiple residence townhouse buildings constructed in the rear on the eastern side of the property.

The multiple residence in the Proposed Project includes three building types each containing two-bedroom units. Building 1 is a mixed-use building with residential on the second and third stories. Buildings 2 and 4 are standalone three-story townhome buildings. Building 3 is a standalone two-story townhome building. Amenities include an outdoor recreation area on the southern side of the site, and a dog park located more central on site.

Primary access to the site is from Alma School Road. The Proposed Project includes 38 parking spaces onsite which consists of two car garages within Buildings 2, 3, and 4, 12 additional covered parking spaces, and six uncovered spaces.

Overall, the proposed site plan complies with the review criteria for Site Plan Review in Section 11-69-5 of the MZO.

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

<b>Northwest</b> (Across N. Alma School RD) LC-BIZ Commercial	<b>North</b> LC Laundromat	<b>Northeast</b> LC Vacant
<b>West</b> (Across N. Alma School RD) LC-BIZ Commercial	<b>Project Site</b> OC Sewing Shop	<b>East</b> RS-6 Single Residence
<b>Southwest</b> (Across N. Alma School RD) LC-BIZ Commercial	<b>South</b> RS-6 Single Residence	<b>Southeast</b> RS-6 Single Residence

**Compatibility with Surrounding Land Uses:**

The project site is currently developed with a personal service use, sewing shop, and is currently zoned Office Commercial. Properties to the north are developed with commercial businesses and zoned LC. Properties to the west are zoned LC-BIZ and houses an AT&T office. Properties to the east and south are zoned RS-6 and consist of single residences. Overall, the Proposed Project is compatible with the surrounding development and land uses.

**Neighborhood Participation Plan and Public Comments:**

A Citizen Participation Process was completed which included mailing letters to property owners within 1,000 feet of the site, as well as HOAs within ½ mile, and registered neighborhoods within one mile of the site.

The applicant held a virtual neighborhood meeting on December 12, 2022, with five attendees who discussed their concerns for privacy to the southern property owners as well as the previously stated concerns for quality, specifically for the proposed open space.

Staff was contacted by a property owner within the area via email on November 29, 2023, with concerns with the overall quality being provided including the quality of the proposed open space and amenities.

No comment cards were received at the March 13, 2024 Planning and Zoning Board meeting.

**Staff Recommendation:**

Staff finds the subject request is consistent with the Mesa 2040 General Plan, the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO, the review criteria for a Bonus Intensity Zone Overlay outlined in Section 11-21-3(B) of the MZO, and the review criteria for a Council Use Permit per Section 11-31-31 (F) and Section 11-70-6(D) of the MZO.

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

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of Design Review Case No. DRB23-00377.
3. Compliance with the operations plan submitted.
4. 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.
5. Compliance with all City development codes and regulations, except the modifications to the development standards approved with this BIZ as shown in the following table:

<b>Development Standards</b>	<b>Approved</b>
<u>Minimum Building Setbacks -</u> <i>MZO Section 11-6-3(A)</i> -Interior Side and Rear: Adjacent to Single Residential District (eastern and southern property lines)	Two Story – 15 feet Three Story – 15 feet



<b>Development Standards</b>	<b>Approved</b>
-Street-Facing Side adjacent to a 6-lane arterial (Alma School Road)	10 feet
- Interior Side and Rear: Adjacent to Non-Residential	1 foot
<u>Minimum Landscape Yards - MZO Section 11-33-3(B)(2)</u> -Non-single residence uses adjacent to other non-single residence (North Side)	1 foot
-Street-Facing Side (Alma School Road)	10 feet
<u>Minimum Separation between Buildings on the Same Lot - MZO Table 11-6-3</u> -Buildings between 20 and 40 ft.	15 feet
<u>Required Parking Spaces – MZO Section 11-32-3(A)</u> - Multiple Residence	2 Spaces per dwelling unit (30 spaces)
-Personal Services	1 space per 650 square feet (8 spaces)
<u>Landscape Islands – MZO Section 11-33-4(B)(2)</u>	Landscape islands shall be a minimum of one (1) foot wide and 15 feet in length for a single-row of parking

**Exhibits:**

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