

MINUTES OF THE MAY 12, 2021 PLANNING & ZONING MEETING

- *3-a ZON19-00832 District 3.** Within the 1800 block of West Main Street (north side) and within the 100 block of North Dobson Road (east side) and within the 0 to 200 blocks of North Sycamore (west side). Located east of Dobson Road and north of Main Street. (21± acres). Modification to the Sycamore Station Smart Growth Community Plan. This request will allow for a mixed-use transit-oriented development. Neil Calfee, Miravista Holdings, LLC, applicant; Dobson Station, LLC; City of Mesa; Pride Ventures, LLC, owners. **(Continued from April 28, 2021)**

Planner: Cassidy Welch

Staff Recommendation: Approval with conditions

Summary: Staffmember Cassidy Welch presented case ZON19-00832 to the Board. This is an approximately 20 acre site located north of Main Street and east of Dobson Road. The General Plan designation for this site is Mixed Use Activity, which encourages centers of commercial and residential activity. It is also located within the Station Area and Transit District sub-areas due to its proximity to the light rail and Sycamore Station light rail stop, as well as within the West Main Street Area Sub Area plan. The zoning on the site is currently a mixture of Form Based Code Transect Zones. As a part of this request, there are no proposed changes to the zoning. Those Transect Zones were established in 2016 with the original Sycamore Station Smart Growth Community Plan. The request before you today is a modification to that Sycamore Station Smart Growth Community Plan to allow for a Mixed Use Transit Oriented development. The existing photos of the site include the existing commercial center that is located southwest of the proposed site.

The Smart Growth Community Plan allows for Form Based Code Transects zoning outside of the traditional downtown area. As a part of the Smart Growth Community Plan, you are required to provide pedestrian sheds, identify those Transect Zones, identify a thoroughfare network and identify locations and types of civic spaces. As a part of that request, it does include a preliminary development plan, with final development plans to be approved through a zoning clearing process. The proposed modifications to the preliminary development plan include modifications to the parcel configurations for parcels D1, A1 and A2 as well as modifications to parking standards, the pedestrian and vehicular thoroughfares and modifications to the building form standards established from the Form Base Code. The City did conduct a school analysis in conjunction with the Mesa School District. This is based off of an anticipated 450 apartments and 75 townhomes with the exact units to be determined as a part of the final development plan zoning clearance. The Mesa Public School District identified that all schools within the area have capacity to serve the anticipated students. The applicant did conduct a Citizen Participation process, which included an additional meeting on May 4 with the Mesa Grande Community Association based off of recommendations from the previous Planning and Zoning hearing.

In summary, staff finds that the proposed modifications comply with the 2040 Mesa General Plan, the West Main Street Sub Area Plan and meets the criteria for Smart Growth Community Plan as outlined in the Zoning Ordinance. We are recommending approval with conditions.

MINUTES OF THE MAY 12, 2021 PLANNING & ZONING MEETING

Senior Planner Lesley Davis read a comment card from Stephanie Wright, representing the *Mesa Grande Community Alliance Steering Committee*. It states:

As concerned residents of West Mesa and members of The Mesa Grande Community Alliance, we wish to express our concern about the current state of the Sycamore Station project and withdraw our previous support of the development that was originally presented to us and mutually agreed upon. When Mr. Calfee first met with our neighborhood group seeking our endorsement of the project a few years ago, there were several components that were included that we wholeheartedly endorsed that are no longer a part of the plan.

Along Sycamore street north of Main Street, just south of the school, was a townhouse project that was to go in the ground before the apartments along Main. These 88 townhomes were to be a high quality for sale product that would be built prior to the construction of the apartments as we were all of the opinion that building them first would be a boost to the sales, add cachet to the apartments and provide a measure of balance and stability to an otherwise struggling elementary school. Without the townhouses and the assisted living component and realizing that a portion of the Main Street apartment land is no longer available to build on, the project no longer has our support. Now, all that is left to be built is 400 apartment units on 2 different sites with 2 different developers and without the continuity or master planning that Mr. Calfee previously provided. The property that is left over will merely be infill.

We have enjoyed working with Neil and his Counsel, Lindsay Schube and others on their team. They have been gracious and supportive of our work in West Mesa; but we are not satisfied with the current proposal and, therefore, oppose it. Mesa City Code to allow for a Major Amendment application or, if reviewed under Title 11, Chapter 11-3(B) the application is missing required elements that must be submitted in advance of scheduling a hearing.

*On behalf of the Mesa Grande Community Alliance Steering Committee:
Stephanie Wright
Tanya Collins
Dea Montague
Tyler Montague
Derek Broseman
H. Micheal Wright*

Chair Astle invited the applicant to speak, Lindsay Schube with the Law Firm Gammage and Burnham, 40 North Central Avenue in Phoenix responding on behalf of the applicant. I would like to thank Stephanie and the Board as you continued us two weeks ago and the group Mesa Grande as they pulled themselves together and met with us a week ago today. They have also been gracious and made time for us to get together in a short timeframe. We had a great meeting and shared thoughts respectfully and you know we do not agree on everything, but we definitely appreciate them making the time to see us in within the last two weeks.

MINUTES OF THE MAY 12, 2021 PLANNING & ZONING MEETING

We are here today because the original Smart Growth Community Plan was approved in 2016 with three separate and distinct parcels. As you can see it is an L shaped parcel with approximately 20 acres, wrapping around the hard corner of Dobson and Main Street with three different Assessors parcels that make up our Sycamore Station Master Plan. The first along Main Street is now controlled by Pride Ventures. The second, nearest the existing single-family residences toward the Northeast, is owned by the Chapman family but controlled for the next 47 years by City of Mesa. And the third parcel used to be controlled by Mira Vista Holdings but has been transferred to Dobson Properties, LLC which is a Mira Vista entity and is being sold right now. So again, many of you were on the Commission at the time, the Smart Growth Community Plan was approved in 2016, the existing zoning on the site was C2 and C3. And through this Smart Growth Community Plan, we established T4 and T5 Transect Zoning which allows for a Mixed Use which includes multi-residence and commercial uses. We are not making any substantive changes these are merely cleanup items. The changes that are made to this Community Plan are development standards so that we can build what we want to build out there because our client did not get control of the property that is controlled by the City of Mesa. So, we have no changes to the Transect Zones, no changes to the permitted uses, and no changes to development parcels B and C, which are the parcels closest to the neighborhood.

As you can see these were the proposed Transect Zones and approved in 2016. Again, the zoning uses have not changed. There is the conceptual Land Use Plan that was attached to the 2016 Smart Growth Community Plan and compared to what is in front of you today, Parcels B and C are the parcels that effect the neighborhood. There are no changes to those in terms of use or standards. Parcel A is where we made a lot of changes and the form and the density stays about the same. We just had to change the parcels and the development standards to allow for a cohesive development to come to be as part of the Sycamore Station.

We were here two weeks ago with a staff recommendation of approval. The Board continued us and rightfully so, and in order to meet with the Mesa Grande group, and again compliments to them for gathering in short order and for a productive conversation. I think their concerns and comments have to do with things that are not before you today and more to do with “for rent” versus “for sale” product. The townhomes are still permitted in the north east corner of our site, that building form has not changed and we still maintain a cohesive master plan. We 100% can commit to you and to our friends at Mesa Grande to continue to work with them, and to continue to support the school. As far as the land use perspective here, our land uses have not changed. We are just changing the development standards in order to get some of this development off of the ground.

I look forward to any questions or comments from the Chair or Commissioners.

Chair Astle thanked Ms. Schube for the presentation. At this point let's go ahead and discuss this amongst the Board. Vice Chair Sarkissian stated based on what we heard last time, as well as this time, and we heard the neighbor's concerns and I agree they were very well thought out. However, I do not think some of the concerns had anything to do within our purview of what's being changed here. They are just trying to get the project up and going and there hasn't been any changes in the design standards, it just

MINUTES OF THE MAY 12, 2021 PLANNING & ZONING MEETING

has to do with the form of the site. I think they meet the criteria for their changes. Thank you.

Boardmember Boyle stated I guess I would wonder if it is not within our purview, whose purview is it within. When a developer comes and says one thing and then changes over the course of the project, and it is different. The neighborhood feels slighted. Whose purview is this if it is not ours or is it up to City Council to do. Or is it something the Design Review Board should be concerned about, or is it just tough luck for the neighborhoods. We say, do whatever they want, they can pitch a project one way and they can change it in the middle of the project. I guess that's the larger question that this has been something that I've been pondering in the last couple of weeks.

Vice Chair Sarkissian stated her response on this issue is the difference between "for sale" and "for rent" which is not a zoning issue at all. And we cannot decide this issue regardless, even if it is on a regular subdivision. So, I do not think that is anything for us or the City to determine. And as far as the form of the building, it is not like it is unlike any of the preliminary plats when they come in for amendments. They are still meeting the Code and Zoning Ordinance that they came in with on the plan and all the design requirements of the City. So those processes are always in place and there is always the ability to do amendments to them. But the uses are not changing from what was originally permitted. And I think if there had been different stipulations, or different things within the original plan, which was approved, maybe there would even be some leeway for us to change some things in there or say it is not meeting what was originally intended. We can't dictate legally, who rents or buys, that is not for us or even Council to determine. And so that's why I feel there might be some instances and other projects that we can say something, but nothing ever about "for sale" versus "for rent". So, that's why I feel at this junction we don't have the ability to determine certain things. We have seen things like that, where people were upset about a McDonald's versus a Sonic, and it is the same thing, it is private property rights, and we cannot get into these types of issues.

Boardmember Boyle stated, so then would there be some sort of notification to neighborhoods to be cautious when people come and present something to you, they might be making a bunch of promises that they're not going to keep later on. To tell them it is something that you just need to be aware of. It happens quite often, we saw it with the last project that is going up near Bass Pro where developers may say one thing, but what citizens can actually get out of it, and what citizen groups like when you have neighborhood meetings, what can they actually change. What I find a lot is there's a lot of misunderstanding as to what a citizen can actually get changed. And they can be like, "Oh, well, let's get together and have a win" but it is typically the developer that wins. But maybe there just needs to be better education to inform the neighborhoods, maybe some addendum that can be mailed out and the mailers go out and say, "You are about to have this much leeway with an adjustment" so that we don't end up with a bunch of angry citizens thinking that the project is one way, and then finding out that it is not.

Boardmember Villanueva-Saucedo stated I think the process plays out exactly the way it is supposed to be. Just because their neighborhood meeting takes place does not mean that it is a contractual obligation. It is an opportunity for neighbors to give voice to their concerns. But ultimately, the landowner, as long as they're abiding with the zoning that is there, it is their property to do what they will. Again, I am very uncomfortable with us

MINUTES OF THE MAY 12, 2021 PLANNING & ZONING MEETING

overstepping our purview. If there is some sort of agreement between a neighborhood group and a property owner neighborhood group and a developer and that needs to be a private contractual obligation that is not within this board's purview. Our purview is whether the plan submitted matches the zoning. So, again, I always encourage neighborhood participation. I think we have seen some products that the field of the layout has changed because of neighborhood input. But again, that is not a contractual obligation and meetings are simply discussions. I am okay with the case as presented.

Chair Astle stated I would have to agree and am comfortable with what's in front of us today and the adjustments that have been made. Ultimately to me, I want to just thank the applicant. I know that it is not always easy to work with neighbors and we don't know the exact agreement, but I do appreciate the willingness to spend some time and meet again and discuss through the differences and hopefully get some comfort in what's going on. I don't see that anyone's being lied to here or anything's being misrepresented. So, I am comfortable with the adjustments as well and I'm looking forward to the project.

Boardmember Allen stated I have some reservations and was hoping that the neighborhood would be in support of this project. I do understand that the legality of our purview and what we can and cannot do but I really don't like the idea of something being portrayed that it is going to be one thing and then you find out it is going to be something different. So, I have a little bit of a concern about that just because the neighbors believe and trust the City and when the process changes, I totally understand that. But that set aside, there is not really a reason that I can't support this project. I just wish it would have had a different outcome. Thank you.

Applicant Lindsay Schube stated I know you're closed the meeting for public comments, but for the record. I misspoke when I said that Mira Vista still controlled the Dobson piece. They do not own it, that is a different group. But we are still involved as the master developers and want to finish up the Smart Growth Community Plan. So, I just wanted to clear up the public record. Apologies.

Jeff McVay, Manager of the Downtown Transformation with the City of Mesa spoke. I have been involved from the beginning of this project and negotiated the development agreements when this project was going to include the land that was going to be the Park and Ride and Transit Station to be included in the project. And I want to make sure to clearly state that the project or plans have not changed. The parcel on Main Street was always going to be multi-family development, the parcel on Dobson was always going to be multifamily dwelling, whether it is Assisted Living or whether it is rental apartments, it is still a multi residence development. And then the piece in between was always going to be townhomes. The plan continues to have that zoning in place today and that zoning will remain in place tomorrow. So that when the project does expand when the underlying property owner under the park and ride, sees fit to not believe that their land is worth \$10 million, townhomes will be developed because that is what the zoning says today. So short of that property never becoming something else, I think that we are seeing the same plan. We are seeing a different configuration, but I have five years worth of history here that shows that it is a consistent plan. I am happy to answer any questions about the history if you have to.

Vice Chair Sarkissian motioned to approve case ZON19-00832 with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

MINUTES OF THE MAY 12, 2021 PLANNING & ZONING MEETING

That: The Board recommends the approval of case ZON19-00832 conditioned upon:

1. Compliance with the Smart Growth Community Plan dated March 18, 2021, including conformance with the Preliminary Development Plan.
2. Compliance with all applicable City development codes and regulations, except as modified by the Smart Growth Community Plan.
3. Developer shall improve all streets and thoroughfares within and immediately adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, driveways, streetlights, median islands, landscaping, and/or other incidentals. All improvements shall comply with all ADA accessibility standards.
4. If the project is built in phases, install bollards, temporary curbing or alternative circulation and traffic improvements along the edge of any drives adjacent to undeveloped parcels as approved by the Planning and Transportation Directors
5. Approval of Final Development Plans as required by Chapter 63 of the Zoning Ordinance.
6. Prior to approval of the first Final Development Plan, submit for review and approval by the Planning Director revised Design Guidelines.
7. Recordation of cross-access and maintenance easements as required prior to the approval of each Final Development Plan for private drives and shown in the Preliminary Development Plan.
8. Applicant shall consult with Mesa Police Department during the building permit review for the parking facility shown on Parcel C1; and coordinate a final CPTED inspection by the Mesa Police Department prior to approval of the certificate of occupancy, or certificate of completion as applicable.
9. The setback to the north property line for Parcel D1 shall be a minimum of 15 feet and must be landscaped as in accordance with Chapter 33 of the Zoning Ordinance (i.e. perimeter landscaping).

Vote: 6-1 Approval with conditions

Upon tabulation of vote, it showed:

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

NAYS – Boyle

* * * * *

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