



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

December 1, 2021

CASE No.: **BOA21-00787**

CASE NAME: **Fiesta Rose Garden**

Owner's Name:	Dan Thompson
Applicant's Name:	Young Kim, Esquire Architecture and Planning, LLC
Location of Request:	Within the 3900 block of E. University Drive (south side). Located west of N. Greenfield Road.
Parcel No(s):	140-02-001H
Nature of Request:	Requesting a Development Incentive Permit (DIP) to allow deviations from certain development standards for an apartment complex in the Multiple Residence (RM-4) District.
Zone District:	Multiple Residence (RM-4)
Council District:	2
Site size:	1.02± acres
Proposed use(s):	Apartment Complex
Existing use(s):	Commercial
Hearing date(s):	December 1, 2021 / 5:30 p.m.
Staff Planner:	Sean Pesek
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **August 19, 1972**, the subject property was annexed into the City of Mesa as part of a 997± annexation (Ordinance No. 767).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Development Incentive Permit (DIP) to allow deviations from certain development standards to construct an apartment complex in the Multiple Residence (RM-4) zoning district. The subject property is approximately 1.02± acres in size and located on the south side of E. University Drive, west of N. Greenfield Road. Proposed improvements include three (3)

2-story buildings with four (4) units in each building. Each unit is approximately 1,200 square-feet in size with 100 square feet of private open space.

Per Section 11-72-1 in 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. Incentives that may be granted by the DIP are limited to modifications to building setbacks, landscape yard width, on-site parking, building height, and other site development provisions contained in the MZO. Through the subject request, the applicant is requesting modifications to the following standards: reduction to the required front, side, and rear building setbacks; reduction to the required parking stall setback from driveways; reduction to the required number of covered parking spaces; reduction to the required front and side landscape setback; reduction to the minimum building separation and; reduction to the required number of trees and shrubs within landscape yards.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property is Neighborhood. Per Chapter 7 (pg. 7-8) of the General Plan, the goal of this character area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods contain a range of housing options including multiple residence. The proposed use, multiple residence, conforms to the intent of the character area designation.

Site Characteristics:

The subject property is located on the south side of E. University Drive, west of N. Greenfield Road and consists of one (1) undeveloped parcel approximately 1.02± acres in size. According to Maricopa County aerial images, the site is currently used as a storage lot for boats and recreational vehicles.

The proposed site plan shows three (3) 2-story buildings totaling 9,978 square feet of ground floor area. Primary access to the site is provided at the northeast corner of the lot. Secondary access, which is intended for emergency vehicles, is provided off-site on Parcel No. 140-20-001P. The applicant will record a cross access easement through separate instrument prior to building permit issuance. A system of pedestrian walkways will connect primary building entrances to parking areas, common open space areas, and the existing sidewalk adjacent to E. University Drive.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across E. University Drive) RS-6 Place of Worship	North (Across E. University Drive) RS-6 & OC Single Residence & Office	Northeast (Across E. University Drive) OC Office
West RM-4 Single Residence	Subject Property RM-4 Boat and RV storage	East RM-4 Mobile Home Subdivision
Southwest	South	Southeast

RM-4 Mobile Home Subdivision	RM-4 Mobile Home Subdivision	RM-4 Mobile Home Subdivision
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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. 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
Setback of Cross Drive Aisles – MZO Section 11-32-4(A)	50 feet	30 feet	As proposed
Covered Parking Spaces – MZO Section 11-33-3(D)(2)	1 covered parking space per unit (12 required)	0.5 covered parking space per unit (6 proposed)	As proposed
Building Setbacks – MZO Section 11-5-3 - Front (4-lane arterial) - Side (west property line) - Side (east property line) - Rear	20 feet 15-feet per story (30 feet) 15-feet per story (30 feet) 15-feet per story (30 feet)	9 feet 6 inches 9 feet 6 inches 20 feet 9 feet 6 inches	As proposed
Minimum Building Separation – MZO Section 11-5-5 -Two-story buildings	30 feet	19 feet 6 inches	As proposed
Required Landscape Yards – MZO Section 11-33-3			

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
-Front (4-lane arterial) -Side and Rear (Non-single residence use adjacent to a single residence)	20 feet 15 feet	9 feet 6 inches 9 feet 6 inches	As proposed
Street Frontage Landscaping - MZO Table 11-33-3(A)(4) - North (Arterial Streets)	1 Tree and 6 Shrubs per 25 Linear Feet of Street Frontage (E. University Road 165 ft of frontage = 7 trees and 40 shrubs)	3 trees, 21 shrubs	As proposed
Perimeter Landscaping – MZO Section 11-33-3(B) - East (adjacent to non-single residence) - South (adjacent to non-single residence) - West (adjacent to non-single residence)	9 trees and 60 shrubs 4 trees and 40 shrubs 9 trees and 60 shrubs	0 trees and 49 shrubs 4 trees and 20 shrubs 9 trees and 37 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 1.02± 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.

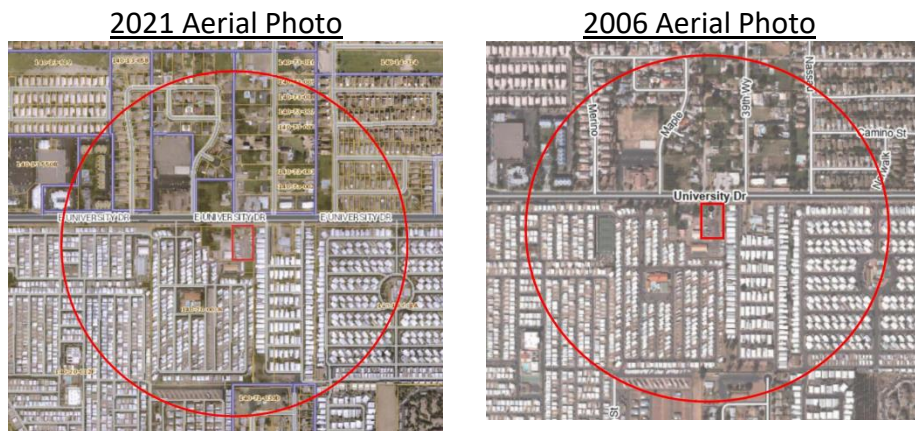
The parcel has access to City of Mesa utilities within E. University Drive.

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
 2. 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 less than 25% vacant. Additionally, after comparing the 2006 Maricopa County aerial photo with the current aerial photo, staff determined that more than half of the total number of lots (within the 1,200-foot radius of the subject property) were developed more than 15 years ago.

The request complies with this criterion.



Per Section 11-72-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on a DIP that:

1. 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; multiple residence is an allowed use in the RM-4 District.

The request complies with this criterion.

2. 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 for development that is commensurate with existing development within 1,200 feet radius of the property. An existing multiple family development is located at 3716 E. University Drive and is within the 1,200-foot radius.

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 meets the intent of the Design Standards of the Mesa Zoning Ordinance. The Planning and Zoning Board will review the initial site plan application at the December 15, 2021, Study Session and make a recommendation for approval or denial per staff's findings.

The request complies with this criterion.

Findings:

- A. The subject property is 1.02± 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 and will be reviewed by Mesa's Planning and Zoning Board at the December 15, 2021 Study Session.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 500 feet of the subject property. As of the writing of this report, the applicant held two neighborhood meetings on September 7, 2021, and September 9, 2021. One concern was raised about the proximity to Val Vista Village's activity center, which borders the south property line of the

subject property. Staff will provide the Board with any new information during the scheduled Study Session on December 1, 2021.

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 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 ZON21-00788 for site plan approval.

Exhibits:

Exhibit 1 – Vicinity Map
Exhibit 2 – Staff Report
Exhibit 3 – Narrative/Justification Statement
Exhibit 4 – Site Plan
Exhibit 5 – Landscape Plan
Exhibit 6 – Elevations
Exhibit 7 – Citizen Participation Plan
Exhibit 8 – Citizen Participation Report