



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

December 1, 2021

CASE No.: BOA21-01027	CASE NAME: 560 West Brown Road Multi-Residence Community
------------------------------	--

Owner's Name:	FIFO LLC
Applicant's Name:	Ashley Marsh, Gammage & Burnham, PLC
Location of Request:	Within the 400 to 600 block of West Brown Road (north side)
Parcel Nos:	135-15-006U
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for the conversion of an existing medical office into apartments in the Multiple Residence 4 (RM-4) District.
Zone District:	Multiple Residential 4 (RM-4)
Council District:	1
Site size:	5.43± acres
Existing use:	Medical Office Building
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **July 21, 1958**, the City Council annexed approximately 706± acres, including the subject site, into the City of Mesa (Ordinance No. 353).

On **March 19, 1979**, the City Council approved a rezone of approximately 14± acres, including the subject site, from Single Residence 9 (R1-9) to Multiple Residence (R-4) to allow for the development of a medical office complex (Ordinance No. 1214, Case No. Z79-017).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards in order to redevelop existing medical offices into an apartment complex within the Multiple Residence 4 (RM-4) District. The applicant is proposing to convert an existing four-story medical office building into apartments, construct a new three-story apartment building, and provide site and landscaping improvements. The existing building and site were developed in the mid 1980's, with minimal outdoor amenity space, perimeter and parking lot landscaping. The existing site does not conform to the current setback and height limit requirements from Chapter 11-5 of the Mesa Zoning Ordinance (MZO), landscape standards from Chapter 11-33 of the MZO, or parking design standards from Chapter 11-32 of the MZO; therefore, the subject site is considered legal non-conforming.

Due to existing conditions, achieving full conformance with the MZO would require significant alterations to the building and the site. Section 11-73 of the MZO establishes the SCIP process and review criteria which allows the site to be brought into substantial conformance without having to bring the entire site into full conformance with the development standards of the MZO.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character area designation on the property is Employment. Per Chapter seven of the General Plan, the purpose of the Employment character area designation is to provide employment type land uses with such areas typically having minimal connection to the surrounding area. Examples of employment districts include areas for large manufacturing facilities, warehousing, business parks, etc. The goal of Employment Districts is to provide for a wide range of employment opportunities in high-quality settings. Employment Districts rarely include any type of residential uses, however, the existing zoning on the site is RM-4 and per Chapter 16 of the General Plan, it is the Zoning Ordinance that describes and establishes the permitted land uses on each parcel or property. Also, there is a growing need for housing, especially in the central area of the City, and Chapter 4 of the General Plan encourages working with property owners and residents in existing neighborhoods to redevelop and infill with new, neighborhood-appropriate, development. The proposal does not fit the Employment Character Area of the General Plan but the use is allowed per the RM-4 zoning district, and is compatible with surrounding land uses.

Site Characteristics:

The subject site is located on the north side of Brown Road, west of Country Club Drive. The site is 5.43 ± acres in size and is zoned RM-4. Access to the site is provided by two driveways along West Brown Road and shared access is proposed with the property adjacent to the west. The existing building is located in the center of the property. A large open parking area exists in front of the building and covered parking exists behind the building.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Crosscut Canal) RS-9 Mesa Country Club	North (Across Crosscut Canal) RS-9 Mesa Country Club	Northeast (Across Crosscut Canal) RS-9 Mesa Country Club
West RM-4 Hospital	Subject Property RM-4 Medical Office Building	East RM-4 Apartments
Southwest (Across Brown Road) PEP Banner Health	South (Across Brown Road) PEP Banner Health	Southeast (Across Brown Road) PEP Banner Health

Mesa Zoning Ordinance Requirements and Regulations:**Substantial Conformance Improvement Permit (SCIP) MZO Section 11-73:**

The subject site is legal non-conforming as it does not conform to current design and landscape standards of the MZO. Table 1 below summarizes the minimum MZO requirements, the applicant's proposal, and staff's recommendations. Text in bold indicates modifications from the MZO code requirements.

TABLE 1 DEVELOPMENT STANDARDS:

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
<i>Building Setback:</i> East property line Section 11-5-5(A)	15' per story (60')	50' (40' to staircase)	As proposed
<i>Landscape Setback</i> East property line Section 11-33-3(B)(2)	15'	4'	As proposed
<i>Landscape Islands</i> Existing covered parking Section 11-33-4(B)	8' x 15' for single row and 8' x 30' for double row	Approximately 5' wide landscape islands	As proposed
<i>Parking canopy design</i> Existing covered parking Section 11-33-4(B)	Maximum length: 15 stalls; Canopies separated by 24-ft-wide landscape island	Maximum length: 16 stalls; Canopies separated by 11', including 11-ft-wide landscape island with pedestrian path	As proposed
<i>Private Open Space</i> Existing building Section 11-5-5(A)	Minimum size: 1-bedroom: 60 sq ft 2-bedroom: 100 sq ft	1-bedroom: 72-231 sq ft 2-bedroom: 72-204 sq ft	As proposed

Development Standard	MZO Requirements	Applicant Proposal	Staff Recommendation
<i>Private Open Space</i> Existing building Section 11-5-5(A)	Minimum depth: Ground Floor: 10' Floors 2+: 6'	Ground Floor: 10 ft 2nd Floor: 6.5 ft 3rd & 4th Floors: 4.5 ft	As proposed
<i>Parking Space Sizes</i> Existing covered parking Section 11-32-2(H)	9' x 18'	8.5' x 16' and 9' x 16' for original spaces	As proposed
<i>Parking Space Location</i> Parking Lot Section 11-32-4(G)(2)	Provide at least 1 parking space per unit within 200 ft	31 of 39 units in new building are within 200 ft of unreserved, uncovered parking	As proposed
<i>Building Height</i> Existing Building Section 11-5-5(A)	40'	53'	As proposed
<i>Frontage</i> Existing site Section 11-5-5(B)(4)(c)	Total frontage of parking areas visible from the street shall not exceed 30% of lot frontage	Parking visible along more than 30% of lot frontage	As proposed

To bring the site into substantial conformance with the development standards of the MZO, the applicant proposes the following improvements as identified on the site plan and landscape plan:

- Construction of a new three-story multi-residence building with 39 new residential units south of the existing building, to meet all standard requirements of the MZO.
- Renovation and façade enhancement of the existing four-story medical office building, creating 64 new residential units, a lobby, and fitness area.
- New amenity area between the buildings with a swimming pool, barbecue area, dog run, seating areas, bicycle parking area and landscaping.
- New multi-use paths along the west and north property lines, with landscaping, exercise stations and connections to the Crosscut Canal.
- New landscaping throughout the property including within the new parking areas, foundation base and perimeter.

Per Section 11-73-3 of the MZO, when deciding on a SCIP, the Board of Adjustment shall find upon sufficient evidence that:

- A. The entire development site will be brought into substantial conformance. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with the MZO that can be attained without causing or creating any of the following conditions:
 1. The demolition or reconstruction of existing buildings or other significant structures (except signs); or

Significant alterations to the site, including demolition of the building foundation, parking area, and on-site circulation would need to occur to bring the site into full conformance with current MZO development standards.

The request complies with this criterion.

2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.

Full compliance with current development standards would not allow the existing building to be used for residential uses, and would discourage redevelopment on this site.

The request complies with this criterion.

3. The creation of new non-conforming conditions.

The proposed conversion to apartments will utilize the existing structure and not create any new encroachments into required setbacks. Therefore, no new non-conforming conditions will be created from the adaptive reuse of the building.

The request complies with this criterion.

- B. The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

The proposed improvements will provide a use for a masonry building that has been vacant for several years and will provide much needed housing with quality amenities. The improvements will bring the site into further compliance with the MZO, enhance the appearance of the site, and improve the streetscape. Therefore, staff does not believe that the proposed request will be detrimental to adjacent properties or neighborhoods.

The request complies with this criterion.

SCIP Findings

- A. The site is zoned RM-4, and the medical office use was established in the early 1980's.
- B. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- C. Full compliance with current MZO would require significant alterations to the site including demolition of portions of the existing building and alterations to the on-site circulation.
- D. Improvements to the existing site include landscape improvements around the perimeter of the site, within the parking field, and the foundation base areas adjacent

- to the building elevations, as well as new amenity areas between the buildings and recreational paths along the west and north property lines.
- E. The modifications requested along with the proposed improvements are consistent with the degree of change requested to improve the site and to bring the site into a closer degree of conformance with current MZO standards.
 - F. The proposed improvements will not create any new non-conformities.
 - G. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 500 feet of the site. As of the date of this report, staff has not been contacted by any resident or property owner to express support or opposition to this request.

Staff Recommendations:

Based on the application received and preceding analysis, staff finds the request for a Substantial Conformance Improvement Permit meets the required findings of Section 11-73-3 of the MZO, and therefore recommends approval with the following conditions:

Conditions of Approval:

1. *Compliance with the final site plan and landscape plan as submitted.*
2. *Approval of the Site Plan and Design Review requests, and compliance with those conditions of approval for ZON21-00923 and DRB21-00977.*
3. *Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.*
4. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*

Attachments:

Exhibit 1 – Vicinity Map
Exhibit 2 – Staff Report
Exhibit 3 – Justification Statement
Exhibit 4 – Site Plan
Exhibit 5 – Landscape Plan
Exhibit 6 – Building Elevations