



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

**City Council Hearing**

**January 10, 2022**

CASE No.: **ZON21-00788**  
**Garden**

PROJECT NAME: **Fiesta Rose**

Owner's Name:	Dan Thompson
Applicant's Name:	Young Kim, Esquire Architecture and Planning, LLC
Location of Request:	Within the 3800 to 4000 blocks of East University Drive (south side). Located east of Val Vista Drive on the south side of University Drive.
Parcel No(s):	140-02-001H
Request:	Site Plan Review. This request will allow for a multiple residence development.
Existing Zoning District:	Multiple Residence (RM-4)
Council District:	2
Site Size:	1.04± acres
Proposed Use(s):	Multiple Residence
Existing Use(s):	Vacant
P&Z Hearing Date(s):	<b>December 15, 2021 / 4:00 p.m</b>
Staff Planner:	Sean Pesek, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote 6-0)
Proposition 207 Waiver Signed:	Yes

**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 subject request is Site Plan Review of an initial site plan to allow for the development of an apartment complex in the Multiple Residence (RM-4) District. The 1.04± acre site is currently undeveloped and located on the south side of E. University Drive, just east of the intersection of E. University Drive and N. Val Vista Drive. According to the project narrative, the applicant is proposing three (3) 2-story apartment buildings totaling 9,978 square feet of ground floor area. Per Section 11-5-5(A) in the Mesa Zoning Ordinance (MZO), multiple residence uses are allowed in the RM-4 zoning district.

As part of the development process, the applicant requested a Development Incentive Permit (DIP) to modify several development standards. Per Section 11-72-1 of the 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. To qualify for DIP consideration, the site must meet all three criteria set forth in Section 11-72-1 of the MZO. The applicant requested 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, side, and rear landscape setbacks; reduction to the minimum building separation and; a reduction to the required number of trees and shrubs within landscape yards. Per Section 11-69-4(D)(2)(a) of the MZO, an initial site plan associated with a DIP is subject to recommendation by the Planning and Zoning Board and review and approval by the City Council.

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

The General Plan character area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, Neighborhood character areas are intended to provide safe places for people to live where they can feel secure and enjoy their surrounding community and include a variety of housing options. The proposed use, multiple residence, conforms to the intent of the character area by providing inviting and comfortable living units to the surrounding community.

### **Zoning District Designation:**

The subject property is zoned Multiple Residence (RM-4). Per Section 11-5-2 of the MZO, the RM-4 zoning district allows for a wide range of housing types including apartment units. The subject request complies with the underlying zoning.

### **Airfield Overlay – MZO Article 3 Section 11-19:**

Per Section 11-19 of the MZO, the site is located within the City of Mesa Airfield (AF) Overlay District; specifically, within the Airport Overflight Area Three (AOA 3). The location of the property within the AOA 3 is due to its proximity to the Falcon Field Airport. Per Section 11-19-

4(C) of the MZO, there are no use restrictions in the AOA 3 beyond those applicable to the base zoning district.

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

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 adjacent to the west property line (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.

**Development Incentive Permit (DIP):**

On December 1, 2021, the Board of Adjustment reviewed and approved the requested DIP (Case No. BOA21-00787) to allow the following modifications to the MZO:

- 1) A reduction to the required building and landscape setback along University Drive from 20 feet (MZO §11-5-5) to 9 feet, 6 inches;
- 2) A reduction to the required building setback along the west and south property lines from 30 feet to 9 feet, 6 inches;
- 3) A reduction to the required building setback along the east property line from 30 feet to 9 feet, 6 inches;
- 4) A reduction to the required landscape setback along the west, east, and south property lines from 15 feet to 9 feet, 6 inches;
- 5) A reduction to the setback between parking areas and entry drives into the site from 50 feet (MZO §11-32-4[A]) to 30 feet from University Drive;
- 6) A reduction to required building separation between three-story buildings on the same lot from 30 feet (MZO §11-5-5) to 18 feet, 6 inches;
- 7) A reduction to the required number of covered parking spaces for multiple residential projects from 12 spaces to 6 spaces; and
- 8) A reduction to the number of trees and shrubs in perimeter landscape yards.

Overall, the proposed site plan meets the Design Standards from the Mesa Zoning Ordinance as modified through the approved DIP and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

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

<b>Northwest</b> (Across E. University Drive) RS-6 Single Residence	<b>North</b> (Across E. University Drive) OC Office	<b>Northeast</b> (Across E. University Drive) OC Office
<b>West</b>	<b>Subject Property</b>	<b>East</b>

RM-4 Single Residence	RM-4 Vacant	RM-4 Mobile Home Subdivision
<b>Southwest</b> RM-4 Mobile Home Subdivision	<b>South</b> RM-4 Mobile Home Subdivision	<b>Southeast</b> RM-4 Mobile Home Subdivision

**Compatibility with Surrounding Land Uses:**

The subject site is currently undeveloped. An existing mobile home subdivision is located immediately south and east of the subject property. To the north (across E. University) is an existing office building. A single residence structure neighbors the subject property to the west. The proposed multiple residence development is consistent with surrounding land uses and zoning districts.

**Neighborhood Participation Plan and Public Comments**

The applicant completed the Citizen Participation Process, 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, inviting them to provide comments on the proposed project. 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 15, 2021.

**Staff Recommendation:**

Based on the application received and the preceding analysis, staff finds the subject request is consistent with the General Plan and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO; therefore, staff recommends approval with the following conditions.

**Conditions of Approval:**

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of the Board of Adjustment’s approval for a Development Incentive Permit (Case No. BOA21-00787).
3. Compliance with all City development codes and Regulations, except the modifications to the development standards approved by the Board of Adjustment (Case No. BOA21-00787).
4. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner shall execute and record the City’s standard Avigation Easement and Release for Falcon Field Airport prior to the issuance of a building permit.
  - b. Prior to the issuance of a building permit, provide documentation that a registered professional engineer or registered professional architect has certified that noise attenuation measures have been incorporated into the design and construction of the buildings to achieve a noise level reduction to 45 decibels as specified in Section 11-19-5 of the Mesa Zoning Ordinance.
  - c. Provide written notice to future property owners that the project is within five mile(s) of Falcon Field.

- d. Any proposed permanent or temporary structure 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. An FAA determination notice of no hazard to air navigation shall accompany any building permit application for the property.

**Exhibits:**

Exhibit 1-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3-Application Information

3.1 Project Narrative

3.2 Site Plan

3.3 Landscape Plan

3.4 Elevations

Exhibit 4-Preliminary Grading and Drainage Plan

Exhibit 5-Citizen Participation Plan

Exhibit 6-Citizen Participation Report

Exhibit 7-Avigation Easement