



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

**City Council Hearing**

**January 24, 2022**

CASE No.: **ZON21-00800**  
**family**

PROJECT NAME: **University 202 Multi-**

Owner's Name:	C & K Investments Inc.
Applicant's Name:	Jon Gillespie, Pew and Lake, P.L.C.
Location of Request:	Within the 8200 to 8300 blocks of East University Drive (north side), within the 400 block of North 82nd Street (east side), and within the 400 block of North 83rd Street (west side). Located east of Sossaman Road on the north side of University Drive.
Parcel No(s):	218-09-004 and 218-09-005
Request:	Rezone from Single Residence 43 (RS-43) to Multiple Residence 2 with a Planned Area Development overlay (RM-2-PAD); and Site Plan Review. This request will allow for a multiple residence development. Also consider a preliminary plat for "Project 4 Multi-Family".
Existing Zoning District:	Single Residence 43 (RS-43)
Council District:	5
Site Size:	4.1± acres
Proposed Use(s):	Multiple Residences
Existing Use(s):	Vacant
P&Z Board Hearing Date(s):	<b>December 15, 2021 / 4:00 p.m.</b>
Staff Planner:	Charlotte Bridges, Planner II
Staff Recommendation:	APPROVAL with conditions
Planning and Zoning Board Recommendation:	APPROVAL with conditions (Vote 4-0)
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **May 1, 1985**, the City Council approved the annexation of an 849± acre area of land that included the subject property (Ordinance No. 1935).

On November 21, 1979, the City Council approved comparable zoning on the recently annexed 4.9± acre subject site from Maricopa County 43 to Suburban Ranch (SR) (equivalent to current Single Residence 43 [RS-43]) (Case No. Z86-047; Ordinance No. 2082).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting to rezone the subject property from Single Residence 43 (RS-43) to Multiple Residence 2 with a Planned area Development Overlay (RM-2-PAD) and approval of an initial site plan to allow the development of a 32-unit multiple residence project. Currently, the subject site is undeveloped and located between 82<sup>nd</sup> Street and 83<sup>rd</sup> Street on the north side of University Drive. To the west of the subject site, across 82<sup>nd</sup> Street, is an existing multiple residence development, to the north and east, across 83<sup>rd</sup> Street, are existing single residences on lots ranging from 7,700± square feet to two acres. To the south, across University Drive, in Maricopa County, is an existing manufactured home subdivision.

The proposed site plans show development of eight, one and one-half story, multiple residence buildings with four-units in each building totaling 32-units. As part of the request for the PAD overlay, the applicant is requesting certain modifications to the City's development standards on the property. Per Section 11-22-1 of the Mesa Zoning Ordinance (MZO), the purpose of a PAD overlay is to allow modifications to certain required development standards to permit innovative design and flexibility that creates a high-quality development for the site.

In addition to the rezoning and site plan review request, the applicant is requesting alternative compliance from the façade material requirements of Section 11-5-5(B)(5)(a) and (b) of the MZO. Per Section 11-5-5(B)(6) of the MZO, applicants may propose alternative designs to the Building and Form Standards of Chapter 5 that provide comparable standards in a creative way and meet the approval criteria of Section 11-5-5(B)(6)(b) of the MZO.

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

The General Plan character area designation on the property is Neighborhood with a Suburban Subtype. Per Chapter 7 of the General Plan, the Suburban character area is the predominant neighborhood pattern in Mesa and primarily consists of single residences. However, as part of a total neighborhood area, the character area may also contain areas of duplexes and other multiple residence and commercial uses along arterial frontages and at major street intersections. In addition, developments within the Suburban character area are generally between two and 12 dwelling units per acre, but higher density may occur along arterial streets and major intersections.

The proposed development of a multiple residence project with a density of 7.84 dwelling units per acre conforms to the goals of the Neighborhood Suburban character area designation. The use will add to the diversity of housing in the area and improve the streetscape along 82<sup>nd</sup> Street, 83<sup>rd</sup> Street and University Drive. The design of the site conforms to the form and design guidelines outlined for such development in the Neighborhood Suburban character area, such as being located along University Drive (an arterial street) and having a one and one-half story

building height. Staff reviewed the request and determined it 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 request is to rezone the site from RS-43 to RM-2 with a PAD overlay to allow modifications to certain required development standards. Per Section 11-5-2 of the MZO, the proposed multiple residence use is allowed in the RM-2 zoning district.

**PAD Overlay Modification – MZO Article 3, Chapter 22:**

The subject request includes a PAD overlay to allow modifications of certain development standard of the MZO. Per Section 11-22 of the MZO, the purpose of the overlay is to allow design and flexibility that creates high-quality development for the site. Overall, the proposed development complies with requirements of a PAD as outlined in Section 11-22 of the MZO by incorporating high-quality development design standards.

The submitted documents, including the building elevations and site plan, show the proposed development will be unique and consists of innovative design standards such as using high-quality facade building materials and incorporating a common open space and amenity area within the development that exceeds the City’s standard requirements. Table 1 below shows the MZO required standard and the applicant’s proposed PAD standard.

Table 1: Development Standards

<b>MZO Development Standards</b>	<b>MZO Required</b>	<b>PAD Proposed</b>	<b>Staff Recommendation</b>
<u>Maximum Building Coverage:</u> – [MZO Table 11-6-3]	45%	<b>53%</b>	As proposed
<u>Minimum Yards:</u> [MZO Table 11-5-5] Side (three or more units): One-story: Two-stories:  Rear (three or more units, two-stories):	20 feet 30 feet  30 feet	<b>10 feet</b> <b>10 feet</b>  <b>15 feet</b>	As proposed As proposed  As proposed
<u>Landscape Yard Width:</u> [MZO Section 11-33-3(B)(a): Sides:	15 feet	<b>10 feet</b>	As proposed

<u>Landscape Yard –</u> <u>[MZO Section 11-</u> <u>33-(2)(A)]</u>	Required landscape yard shall be maintained free from any feature not a part of the landscape design.	<b>Required landscape yard shall be maintained free from any feature not a part of the landscape design., except ground mounted mechanical units within required yards</b>	As proposed
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As shown in the table above, the applicant is requesting the following modification from the RM-2 zoning district development standards outlined in Sections 11-5-5 and 11-33-3 of the MZO.

Maximum Building Coverage:

Per Table 11-5-5 of the MZO, a maximum building coverage of 45% is allowed in the RM-2 District. The applicant is requesting a maximum building coverage 53% for each lot. This deviation is required because of the configuration of the lots and would not be required if the development was on a single lot. Overall, the requested maximum building coverage is consistent with the RM-2 development standard.

Minimum Yards , Side:

Per Table 11-5-5 of the MZO, a multiple residence development with three or more units, two-stories in height, requires a minimum 20-foot side yard setback for one-story buildings or 30-foot side yard setback (15 feet per story). The applicant is requesting a 10-foot to 15-foot side yard setback from adjacent side property lines. This deviation is required because of the configuration of the lots and amenity tracts. If the lot and tract lines were removed, no side yard (setbacks) would be required, only a building separation requirement of 25 feet (single story) or 30 (two-story). The proposed development meets or exceeds the intent of this development standards by providing between 30 feet to 65 feet between buildings.

Minimum Yards , Rear:

Per Table 11-5-5 of the MZO, a multiple residence development with three or more units and two-stories requires a minimum 30 feet rear yard setback (15 feet per story). The applicant is requesting a 15 rear yard setback from the north and south perimeter lot lines. This deviation is required because of the configuration of the lots and amenity tracts. If the lot and tract lines were removed, the required rear yard setback adjacent to University Drive and the north property line would be 300 feet. The proposed development exceeds the intent of this development standards by providing buildings are setback 49± feet from University Drive and the north property line.

#### Landscape Yard Width, Side:

Per Section 11-33-3(B)(a) of the MZO, non-single resident uses adjacent to non-single residence uses require 15-foot wide landscape yard. The applicant is requesting a 10-foot wide side yard on lots from the adjacent lot line. This deviation is required because of the configuration of the lots and amenity tracts. If the lot and tract lines were removed, side yard landscape area would not be required. The proposed development exceeds this development standards by providing between 30 feet to 65 feet of landscape area between buildings.

#### Landscape Yard –encroachment

Per Section 11-33-(2)(A) of the MZO, required landscape yards shall be maintained free from encroachment by any use, structure, vehicle, or feature not a part of the landscaping design. The applicant is requesting that the ground mounted mechanical units be allowed within the required landscape yards adjacent to the side property lines. This deviation is required because of the configuration of the lots and amenity tracts. If the lot and tract lines were removed, landscape yards adjacent to the side property lines would not be required, and the mechanical units would be allowed between the buildings. As for the ground mounted mechanical units shown within the required 20 feet wide landscape yard along University Drive, this encroachment is justified by the overall increased width of perimeter landscape area and plant material along University Drive and the north property line.

#### Site Plan and General Site Development Standards:

The proposed site plan shows development of eight multiple residence buildings with each building being one and one-half stories with four units. Each building is 5,363 square feet in size. Each unit has 1,678 square feet of livable area including three bedrooms, a single-car garage, and a private driveway, which serves as a second parking space. Also, each unit includes a 12-foot wide by 12-foot in depth, partially shaded, private yard with concrete patio. Access to the units is provided by a centrally located, private street which connects to 82<sup>nd</sup> and 83<sup>rd</sup> Street. Four of the buildings are located on the south side of the private street and face University Drive and the other four buildings are located on the north side of the private drive and face the open space area on the north. Located between the buildings, is common, active open space and amenity nodes including a barbeque area with ramada, a children's playground area and a pickleball court. Throughout the development, pedestrian paths connect the units to the amenity areas and the public right-of-ways. Per Section 11-32-3 of the MZO, 64 parking spaces are required for the development, of which 32 spaces must be covered spaces. According to the site plan submitted, 76 spaces will be provided, including 32 individual unit garage spaces and 32 surface parking spaces. The remaining 12 spaces serve as guest parking, which are located near the amenity nodes.

#### Preliminary Plat:

The applicant is requesting approval of a Preliminary Plat to create eight lots and seven tracts. Section 9-6-2 of the Mesa Subdivision Regulations requires approval of all subdivision plats located in the city to be processed through four progressive stages. Review and approval of a Preliminary Plat is the second stage in the series of the progressive stages. This review includes the evaluation of the overall design of the subdivision and details, such as utilities layout, ADA compliance, and retention requirements. The Preliminary Plat is reviewed and approved by the Planning and Zoning Board. Per Section 9-6-2 of the City's Subdivision Regulations, all plats are

subject to Final Plat approval by City Council. The proposed request meets the review criteria for approval of a Preliminary Plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations.

### **Alternative Compliance**

Per Section 11-71-2(A)(2) of the MZO, Design Review is only required for multiple residence projects that exceed the standard density of the RM-2 density range, which is 15 dwelling units per acre. The density for this project is 7.84 dwelling units per acre. Per Section 11-5-5(B)(6)(a) of the MZO, a request for alternative compliance may be accepted for any application to which Site Planning and Design Standards apply and written request must be provided in conjunction with the applicable land use application describing how the proposed alternative meets the criteria of Section 11-5-6(B)(6)(b) of the MZO. The side elevations of the proposed building do not meet the facade material standards of MZO Section 11-5-5(B)(5)(a), which states a minimum of seventy-five percent (75%) of all exterior building walls shall be covered with required primary building material and MZO Section 11-5-5(B)(5)(b), which states buildings must contain at least two (2) kinds of primary exterior materials distinctively different in texture or masonry pattern, with each of the required materials covering at least twenty-five percent (25%) of the exterior walls of the building. Per the project narrative, the applicant is requesting “alternative compliance” for the side building elevations, which are 87%-88% stucco, 6%-7% composite siding and 5%-7% glazing. As justification for the request, the applicant states, “the side elevations are intended to complement the front and rear elevations which will be garnering the majority of visual attention. The simple contrast provided on the side elevations is intended to support the articulation and materials scheme provided on the front elevations and the intent is to not distract from the elements provided on the front and rear elevations. The material choices for the side elevations were selected to appropriately balance the composite hardie board siding against the stucco. Adding more hardie board siding, such as by extending it down to the first floor, would ultimately overemphasize the composite hardie board and dilute the clean stucco appearance currently presented. Adding a wainscot or additional material would dilute the curved “wing wall” extensions provided on the corner of buildings which are a unique and attractive architectural feature.” Based on the overall design of the buildings, the proposed alternative building elevations exceed the design objectives as described in the City’s General Plan per the requirements of Section 11-5-5(B)(6)(b)(iv) and Planning Staff supports the request for alternative compliance.

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

<b>Northwest</b> (Across 82 <sup>nd</sup> Street) Single Residences RS-9	<b>North</b>  Single Residence RS-43	<b>Northeast</b> (Across 83 <sup>rd</sup> Street) Single Residence RS-43
<b>West</b> (Across 82 <sup>nd</sup> Street) Multiple Residence RM-2	<b>Subject Property</b>  Vacant RS-43	<b>East</b> (Across 83 <sup>rd</sup> Street) Single Residence RS-43

<p style="text-align: center;"><b>Southwest</b> (Across the intersection of 82<sup>nd</sup> Street and University Drive in Maricopa County) Single Residence R-5</p>	<p style="text-align: center;"><b>South</b> (Across University Drive in Maricopa County)  Single Residence R-5</p>	<p style="text-align: center;"><b>Southeast</b> (Across the intersection of 83<sup>rd</sup> Street and University Drive in Maricopa County) Single Residence R-5</p>
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**Compatibility with Surrounding Land Uses:**

The subject property is adjacent to existing single residence subdivisions to the north, west, and to the south and east across Adobe and Recker Roads. The subject site, 4.1± acre bypassed parcels, located along an arterial is an appropriate location to provide greater residential density which then, transitions into the surrounding single residence subdivisions. In addition, a 125-foot wide electric easement serves as additional buffer between the proposed multiple residence development and single residence neighborhoods to the north. The proposed development helps provide a range in housing choice for the surrounding community and fosters the goal of the General Plan to provide diversity of housing types in the city.

**Neighborhood Participation Plan and Public Comments:**

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 1,000-feet of the site, as well as HOAs within ½ mile and registered neighborhood within one mile of the site.

The applicant held a virtual neighborhood meeting on October 14, 2021. Based on the applicant's Citizen Participation Report, the primary topics discussed were: (1) general concern that this development is eroding Arizona water supply; (2) concern about the location of a neighboring water meter; (3) concern about buffers to the northern neighbor and; (4) concern about additional crime being brought to the area. In response to the topics raised the applicant responded that: (1) Salt River Project (SRP) has capacity to serve water to the site; (2) if necessary, the developer committed to help the adjacent owner get their water relocated as development occurs; (3) the northern neighbor seemed satisfied when provided details on the distance of the proposed buildings in relation to the neighbor's property; and (4) the comment is acknowledged and the applicant respectfully believes the project will not increase crime in the area.

As of writing this report, staff has not received any comments from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session.

**School Impact Analysis:**

The Mesa Public School District reviewed the request for its potential impact on the existing schools in the area. The school district provided the following analysis:

Proposed Development (32 units)	Name of School	Annual Estimated Demand	Adequate Capacity to Serve
Elementary	Salk Elementary	1	Yes
Middle School	Fremont Middle School	1	Yes
High School	Red Mountain High School	1	Yes

**Staff Recommendation:**

The subject request is consistent with the General Plan, the purpose for a Planned Area Development overlay outlined in Section 11-22-1 of the MZO, and meets the review criteria for approval of alternative compliance as outline in Section 11-5-5(B)(6)(b) of the MZO, approval of a site plan outlined in Section 11-69-5 of the MZO and preliminary plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations; therefore, staff recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan and landscape plan submitted.
2. Compliance with all requirements of the Subdivision Regulations.
3. Compliance with the final building elevations 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 as approved with the PAD overlay and shown in the following table:

MZO Development Standards	Approved
<u>Maximum Building Coverage:</u> – [MZO Table 11-6-3]	53 feet
<u>Minimum Yards:</u> [MZO Table 11-5-5] Side (three or more units: One-story Two-stories:  Rear (three or more units, two-story):	  10 feet 10 feet  15 feet
<u>Landscape Yard Width:</u> [MZO Section 11-33-3(B)(a)] Sides:	10 feet



<u>Landscape Yard –</u> <u>[MZO Section 11-33-(2)(A)]:</u>	Required landscape yard shall be maintained free from any feature not a part of the landscape design., except ground mounted mechanical units within required yards
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**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

3.5 Preliminary Plat

3.6 Citizen Participation Plan

Exhibit 4-Citizen Participation Report