



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

June 1, 2022

CASE No.: BOA21-01099	CASE NAME: University Drive Adaptive Re-Use
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Owner's Name:	NELRIC LLC
Applicant's Name:	Erwin A&D
Location of Request:	733 East University Drive. Located west of Horne on the south side of University Drive.
Parcel Nos:	138-23-044K, 138-23-044N
Nature of Request:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the conversion of an office building into a Multiple Residence development in the Multiple Residence-4 (RM-4) District
Zone District:	Multiple Residence 4 (RM-4)
Council District:	4
Site size:	0.85± acres
Existing use:	Office buildings
Hearing Date:	June 1, 2022 – 5:30 P.M.
Staff Planner	Jennifer Merrill, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **December 6, 1948**, 2,419± acres were annexed into the City of Mesa including the subject parcel (Ord. 228)

Maricopa County's historical aerial photos indicate that a house existed on the eastern lot in the 1960's. The western lot, which includes the two existing office buildings, was developed between 1969 and 1976. The eastern parcel was converted to the existing parking lot in the early 1980's.

PROJECT DESCRIPTION

Background:

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for deviations from certain development standards to allow for the conversion of two existing office buildings into twelve apartments in the Multiple Residence 4 (RM-4) zoning district. The existing office buildings, which are located on the western parcel of the two-parcel site, were constructed in the early 1970's. The eastern parcel was converted from residential use to the office parking lot use in the 1980's. The site was developed with minimal front and rear setbacks and minimal perimeter, parking lot and foundation base landscaping. The existing office buildings do not conform to the current development standards for the RM-4 zoning district per Section 11-5 of the Mesa Zoning Ordinance (MZO), specifically, Table 11-5-5(A); therefore, the subject site is considered legal non-conforming.

Due to existing conditions, achieving full conformance with the MZO would require demolition of buildings. 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. The SCIP will allow for the existing office buildings to remain in their current locations.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods can contain a wide range of housing options. The proposed multiple residential use offers compact residential units with relatively generous open space amenities, and in these ways, it conforms to the Neighborhood character area of the General Plan.

The subject property is also within the Evolution Corridor area of the Central Main Street Area Plan. The goals for this area include building fronts that engage pedestrians along the public right of way, improved streetscapes with wider sidewalks, street trees, and street furniture. The proposed development, with improved landscaping, a wider sidewalk and public art along University Drive, conforms to the Central Main Street Area Plan.

Site Characteristics:

The subject property is located west of Horne on the south side of University Drive and consists of two (2) adjacent developed parcels totaling just under one acre in size. The existing office buildings will remain in their current locations but will be connected as part of the proposed development.

The proposed site plan shows a single-story 6,370 square-foot multiple residence structure on the western portion of the subject site. Pedestrian and vehicular access is provided from University Drive at the north edge of the site. A system of pedestrian walkways will connect primary entrances to parking areas and the adjacent right-of-way. New perimeter landscaping, parking canopies and privacy fences are proposed as part of the conversion to residential use. A

large common open space area that includes seating, a fire pit, BBQ and volleyball area is proposed northeast of the building. Private patios or courtyards are shown at the entries to each unit, and several of the units show secondary private open space areas.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across University Dr.) RM-4 Residential	North (Across University Dr.) RM-4 Residential	Northeast (Across University Dr.) RM-4 Residential
West RM-4 Residential	Subject Property RM-4 Offices	East RM-4 Offices
Southwest RM-2 Church	South RM-2 Church	Southeast RM-2 Church

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 building setback standards per Sections 11-33-5(A) 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>Maximum Lot Coverage (% of lot):</i> [Table 11-5-5]	70%	75%	As proposed
<i>Building Setbacks:</i> South property line, [Table 11-5-5]	20'	16'	As proposed
<i>Parking setback from ROW</i> north property line [Sec. 11-32-4(A)]	50'	25'	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:

- Reducing the lot coverage from 90% to 75%.
- Providing private open space and generous common open space for all units.

- Improving the existing pedestrian connections within the site and providing access to University Drive to meet ADA requirements, and providing required planting and shading adjacent to the walkways.
- Providing bicycle parking space for residents.

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 existing non-conforming buildings 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 proposed residences to be developed and would discourage redevelopment on this site.

The request complies with this criterion.

3. The creation of new non-conforming conditions.

The proposed multiple residence will not create new non-conforming conditions.

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 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 existing office buildings were developed in the early 1970'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 the existing structures.
- D. Improvements to the existing site include landscape improvements around the perimeter of the site and within the parking field, providing for solid waste disposal, and providing for usable open space for all residences of the property.
- 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. *Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.*
3. *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 – Site Plan
Exhibit 4 – Landscape Plan
Exhibit 5 - Building Elevations
Exhibit 6 – Narrative/Justification Statement