



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

September 7, 2022

CASE No.: **BOA22-00584**

CASE NAME: **Cherry Tri-Plex**

Owner's Name:	Thomas and Sarah Ahdoot
Applicant's Name:	Victoria Snivley, United Realty MTA
Location of Request:	727 West 8 th Place. Located west of Country Club Drive and north of Rio Salado Parkway on the south side of West 8th Place.
Parcel Nos:	135-17-009Q and 135-17-009R
Nature of Request:	Requesting a Development Incentive Permit (DIP) to allow deviations from certain development standards for a multiple residence development.
Zone District:	Multiple Residence-3 (RM-3)
Council District:	3
Site size:	10,890± square feet (.25 ± acres)
Existing use:	Vacant
Hearing date(s):	September 7, 2022 / 5:30 p.m.
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **January 5, 1949**, the subject site was annexed into the City of Mesa as part of a 2,419± annexation and subsequently zoned Multiple Residence-3 (RM-3) District (Ordinance No. 228).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Development Incentive Permit (DIP) to allow for deviations from certain development standards for a multiple residence development (three dwelling units) in the Multiple Residence-3 (RM-3) District. Proposed improvements on the 0.25± acre property include, a two-story, 3,823± square foot building, landscaping, and parking.

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. Per Section 11-72-2 of the MZO, incentives that may be granted by the DIP are limited to: modifications to building setbacks, landscaping design, on-site parking, building height, and other site development provisions contained in the MZO. Through the DIP, the applicant is requesting a reduction to the required front and side yards (building setbacks) and the front, side and rear landscape yard widths and plant material requirements. At the west and south sides the building, the DIP request includes a reduction in the foundation base width and plant material. Also, the DIP includes a request to place the solid waste enclosure within the required rear landscape yard.

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 conforms to the Neighborhood character area of the General Plan by providing an additional housing option in an established neighborhood.

Zoning:

The subject property is zoned RM-3. Per Table 11-5-5 in the MZO, a multiple residence use with a maximum density of 20 dwelling units per acre is permitted in the RM-3 District. The density of the proposed multiple residence development is 12 dwelling units per acre.

Site Characteristics:

The subject site is located west of Country Club Drive and north of Rio Salado Parkway on the south side of West 8th Place and consists of two (2) adjacent parcels totaling 0.25± acres. The proposed site plan shows 3,823± square foot building with three, two-story, 1,275± square foot, two-bedroom units. Each unit has direct access to a minimum 19-foot wide by 11-foot, five-inches in depth (216± square feet), partially covered, outdoor fenced area on the east side of the building, while the second-floor bedroom includes a minimum 19-foot wide by 10-foot in depth (190± square feet), partially covered balcony along the west elevation. To the south of the building, are four covered and three uncovered parking spaces, and a 14-foot, six-inches long by 15-foot-wide common open space area. In addition, trees, shrubs and ground cover are provided in the perimeter landscape areas along to the north, east and west property lines.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across West 8th Place) RM-3 Existing Attached Single-Residences</p>	<p>North (Across West 8th Place) RM-3 Existing Attached Single-Residences</p>	<p>Northeast (Across West 8th Place) RM-3 Existing Attached Single-Residences</p>
<p>West RM-3</p>	<p>Subject Property RM-3</p>	<p>East RM-3</p>

Existing Multiple-Residences	Vacant	Existing Multiple-Residences
Southwest	South	Southeast
RM-3	RM-3	RM-3
Existing Multiple-Residences	Existing Single-Residence	Existing Single-Residence

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 of the MZO. After review of the application, the subject property qualifies as a by-passed parcel as it does not exceed five net acres and was created by the assembly of two or more individual, contiguous parcels. 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 Mesa Zoning Ordinance (MZO) requirements, the applicant's proposal, and staff's recommendation for the subject property. Items in bold face type indicate deviation
Table 1: Development Standards

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
<i>Building Setbacks - Table 11-5-5:</i> West 8 th Place (local Street)	20-feet	Eight-feet	As proposed
Interior Side (east)	15-feet each story = 30-feet	Seven-feet, two-inches	
<i>Landscape Yard - Table 11-5-5:</i> West 8 th Place (local Street)	20-feet	Eight-feet	As proposed
<i>Minimum Separation Between Buildings on the Same Lot - Table 11-5-5:</i> Detached Covered Parking Canopies:	20-feet	Two-feet	As proposed
<i>Common Open Space – Section 11-5-5(A)(3)(f)(iii):</i> Minimum dimension	15-feet	14-feet, six-inches	As proposed
Trash and refuse collection areas – Section 11-30-12(B):	Shall not be located within any required front yard, street side yard, or	Within required side and rear landscape yard	As proposed

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
	within any required landscape areas		
Landscape yard – Section 11-33-3(B)(1), Non-single residence use adjacent to single residence use: South property line	20 feet	Zero-feet	As proposed
Landscape yard – Section 11-33-3(B)(1)(c)(iii), Areas visible from public parking or drive aisles: South property line	A minimum of four non-deciduous trees and 20 shrubs per 100 linear feet of adjacent property line	No trees or shrubs	As proposed
Landscape yard – Section 11-33-3(B), Non-single residence use adjacent to non-single residence use: East property line West property line	15 feet 15 feet	Seven-feet, two-inches Two-feet, six-inches to 10-feet	As proposed
Interior Parking Lot Landscaping – Section 11-33-4(B)(2)(a), Landscape Islands:	A minimum of eight feet wide for single-row. All measurements are to face of curb.	Six-feet, 6-inches wide	As proposed
Foundation Base – Section 11-33-5(A)(1)(a), Exterior Walls with Public Entrance: West Elevation	A minimum 15-foot-wide, measured from face of building to face of curb along the entire length of the exterior wall.	A minimum 12-feet, two-inches-wide	As proposed
Foundation Base – Section 11-33-5(A)(2)(a), Exterior Walls without a Public Entrance: South Elevation	A minimum 10-foot-wide, measured from face of building to face of curb along the entire length of the exterior wall adjacent to parking stalls.	Four-feet-wide	As proposed

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
Foundation Base – Section 11-33-5(B)(3)(b), Exterior Walls without a Public Entrance Visible from Public Parking or Right-of-Way: South Elevation	A 12-feet, 8-inches (minimum 25 percent of adjacent exterior wall) shall be landscaped	Zero-feet	As proposed

Section 11-72-1 of the MZO, a Development Incentive Permits (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 0.25± acres, does not exceed five net acres and was created by the assembly of two or more individual, contiguous parcels.

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 West 8th Place.

The request complies with this criterion.

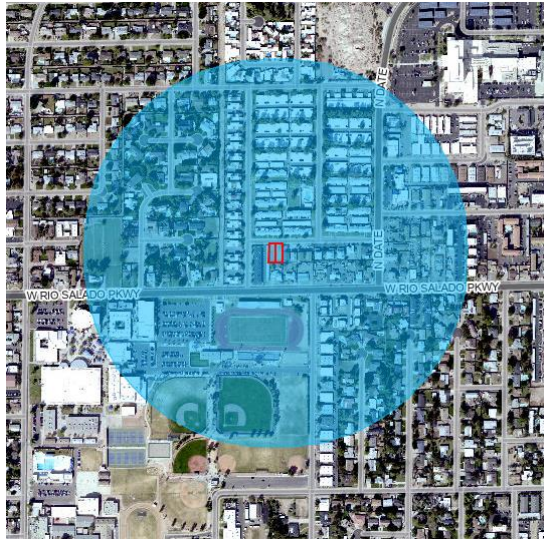
- C. SURROUNDING DEVELOPMENT. The parcel is surrounded by properties within a 1,200-foot radius in which:

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.

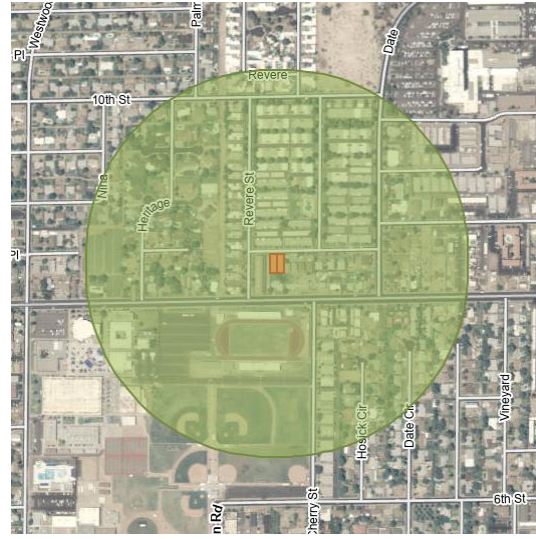
Based on 2022 aerial photography, the total developable land area (within the 1,200-foot radius of the subject property) is less than 25% vacant. In fact, after comparing the 2005 Maricopa County aerial photo with the 2022 aerial photo, staff determined almost all of the total number of lots within the 1,200-foot radius of the subject property were developed more than 15 years ago.

The request complies with this criterion.

2022 Aerial Photo



2005 Aerial Photo



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 multiple residence development is consistent with the intent of the General Plan's Neighborhood character area designation by providing an additional housing option in an established neighborhood.

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 properties to the north across West 8th Place are developed with attached single-residences and the properties east and west are developed with multiple residences. The proposed development is not more intense than the surrounding neighborhood and the incentives will allow for development that is commensurate with existing development within 1,200 feet radius of the property.

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 site plan and request for “Alternative Compliance” to the design standards of Section 11-5-5(B) of the MZO associated with the project will be reviewed by the Planning and Zoning Board on September 7,28, 2022. The proposed project meets the intent of the Design Standards of the Ordinance.

The request complies with this criterion.

Findings:

- A. The subject property does not exceed five net acres and was created by the assembly of two or more individual, contiguous parcels
- B. The subject property is served by, or has direct access to, existing utilities within West 8th Place.
- 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. The 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.

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, staff has not been contacted by any resident or property owner to express support or opposition to the request.

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 and landscape plans 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 ZON22-00583 for site plan review and alternative compliance.
- 4. Recordation of a lot combination prior to the issuance of a building permit.

Exhibits:

Exhibit 1 – Vicinity Map
Exhibit 2 – Staff Report
Exhibit 3 – Narrative and Justification Statement
Exhibit 4 – Site Plan
Exhibit 5 – Landscape Plan

Exhibit 6 – Elevations
Exhibit 7 – Floor Plans