



PLANNING DIVISION
STAFF REPORT

City Council Meeting

November 7, 2022

CASE No.: **ZON22-00671**

PROJECT NAME: **The Jackson**

Owner's Name:	POWER ROAD PARK, LLC
Applicant's Name:	Sean Lake, Pew & Lake, PLC
Location of Request:	Within the 1300 to 1500 blocks of North Power Road (east side), within the 6800 block of East Hobart Street (south side), and within the 6800 block of East Halifax Drive (both sides). Located north of Brown Road on the east side of Power Road.
Parcel No(s):	218-04-003A, 218-04-003C, 218-04-005F, and 218-04-007C
Request:	Rezone from Single Residence-35 (RS-35) and Office Commercial (OC) 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.
Existing Zoning District:	OC and RS-35
Council District:	5
Site Size:	6± acres
Proposed Use(s):	Multiple Residence
Existing Use(s):	Vacant
Hearing Date(s):	October 26, 2022 / 4:00 p.m.
Staff Planner:	Sean Pesek, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote: 5-2)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **August 7, 1983**, Mesa City Council approved the annexation of 1,382± acres of land, including the subject property, into the City of Mesa (Annexation 43, Ordinance No. 1737).

On **July 16, 1984**, Mesa City Council approved a rezoning of 221± acres, including the subject property, from Maricopa County comparable zoning (R1-35) to City of Mesa Single Residential-35 (RS-35) (Case No. Z84-088, Ordinance No. 1854).

On **July 9, 2007**, Mesa City Council approved a rezoning of 2.3± acres of the subject property (parcels 218-04-005F and 21804-007C) from RS-35 to Office Commercial (OC) and Site Plan Review to allow the development of office buildings (Case No. Z07-063, Ordinance No. 4732).

On **December 16, 2015**, the Planning and Zoning Board tabled the property owner's request to rezone 2.2± acres of the subject property (parcels 218-04-005F and 218-04-007C) from OC to Infill District 1 (ID-1) to facilitate the development of a self-storage facility (Case No. Z15-036). On September 26, 2017, the City of Mesa received a second request to rezone the subject property from OC to ID-1 to allow for a self-storage facility (Case No. ZON17-00335). On July 18, 2018, the Planning and Zoning Board tabled the property owner's second request. No City Council action was taken on either request.

On **October 13, 2021**, the City's Board of Adjustment upheld an interpretation of the Zoning Administrator that current use of the subject property primarily for food trucks does not conform to the City's definition of Public Park and Recreation Facilities.

On **October 27, 2021**, Mesa's Planning and Zoning Board recommended approval (with conditions) to rezone the subject property from Office Commercial (OC) and Single Residence-35 (RS-35) to Neighborhood Commercial with a Planned Area Development overlay (NC-PAD) and Site Plan Review. No City Council action was taken on this request.

PROJECT DESCRIPTION

Background:

The applicant is requesting a rezone of the 6± acre property from Single Residence-35 (RS-35) and Office Commercial (OC) to Multiple Residence-2 with a Planned Area Development overlay (RM-2-PAD) and Site Plan Review of an Initial Site Plan to allow for a multiple residence project. The subject site is composed of four parcels, located on the east side of Power Road, the north and south sides of Halifax Drive, and the south side of Hobart Street.

Per the submitted site plan, the applicant is proposing 61 units across one-, two- and three-story buildings with a gross density of approximately 10 dwelling units per acre. The request for a Planned Area Development (PAD) overlay is to allow modifications to certain development standards set forth in the Mesa Zoning Ordinance (MZO). Per Section 11-22-1 of the MZO, the purpose of a PAD overlay is to allow modifications to certain development standards to promote innovative design and flexibility that creates a high-quality development for the site. The submitted documents show the proposed development will be unique by incorporating a centralized amenity space complete with a pool, community center, and covered seating areas. Entry monumentation is also proposed with lush landscaping, signage, gates and stamped asphalt to create a sense of arrival into the community.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character area designation on the property is Neighborhood with a Suburban sub-type. 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. Additionally, these areas will contain a variety of housing types including multiple residence. RM-2 is listed as a primary zoning district within the Neighborhood character area and multiple residence is listed as a primary land use. Per the adopted form and guidelines for the Suburban sub-type (Pg. 7-14), the predominant building height should be one and two stories, with three and four-story buildings located only where higher density is appropriate (on the edges of a neighborhood next to arterial streets). Acceptable density is generally between two and 12 dwelling units per acre. Per the submitted site plan, proposed buildings range from one-to-three stories, with three-story units located along the arterial street frontage. Gross density is proposed at approximately 10 dwelling units per acre which is within the prescribed range for this character area.

Per Chapter 4 of the General Plan (page 4-6), a key element for a strong neighborhood is the presence of diversified housing. Diverse neighborhoods can be achieved by encouraging a variety of dwelling types within each area of the community consistent with the character area standards. As discussed above, the proposal is consistent with the goals and standards of the character area and offers a product type that further contributes to the predominately single residential housing form in the immediate vicinity. Overall, the request conforms to the goals of the Mesa 2040 General Plan and meets the development review criteria outlined in Chapter 15 (pg. 15-1).

Zoning District Designations:

The request is to rezone the subject property from OC and RS-35 to RM-2-PAD. Per Section 11-5-1 of the MZO, the purpose of the multiple residence zoning district is to provide areas for small-lot single residences, townhouses, cluster housing, and multiple residence housing, with densities of up to 15 units per gross acre. Multiple residence is allowed by-right in the RM-2 district, provided the site is developed in accordance with applicable MZO development standards.

PAD Overlay Modification – MZO Article 3, Chapter 22:

The subject request includes a Planned Area Development overlay (PAD) to allow for modifications to certain required development standards of the MZO on the property. Per Section 11-22 of the MZO, the purpose of the PAD overlay is to allow innovative design and flexibility that creates high-quality development for the site. Table 1 below shows the MZO required standards and the applicant's proposed PAD standards.

Table 1: Development Standards

Development Standards	MZO Required	PAD Proposed	Staff Recommendation
<u>Minimum Building Setbacks:</u> <i>MZO Section 11-5-5(A)</i> -Front and Street Facing Side (6-lane	30 feet	20 feet	As Proposed

Arterial Street – N. Power Road)			
<u>Required Landscape Yards – MZO Table 11-5-5 and MZO Section 11-5-5(A)(1)</u> -Street Side (Arterial Street – N. Power Road) -South Side (units 1-3)	30 feet 25 feet	14 feet 23 feet, 9 inches	As Proposed
<u>Minimum Building Separation Between Buildings on the Same Lot – MZO Section 11-5-5(A)</u>	30 feet (two-story) 25 feet (one-story)	10 feet 10 feet	As Proposed
<u>Minimum Setback of Cross Drive Aisles – MZO Section 11-32-4</u>	50 feet	11 feet	As Proposed

Minimum Building Setbacks:

Per Section 11-5-5(A) of the MZO, the required building setback along the south property line adjacent to Power Road is 30 feet. The applicant is requesting a reduction from 30 feet to 20 feet to maximize space and create additional separation from existing single residential uses to the east.

Required Landscape Yard:

Per Section 11-5-5(A) of the MZO, front and street facing building setbacks must be landscaped according to the standards of Chapter 33: Landscaping. Therefore, the required landscape yard shall be the same width as the required building setback. The applicant is requesting a reduction to 14 feet along Power Road to accommodate private yards. Per Section 11-5-5(A)(1) of the MZO, a minimum 25-foot-wide landscape yard shall be provided along the south property line (adjacent to unit numbers 1-3). The applicant is proposing a reduction in width from 25 feet to 23 feet, 9 inches along the south property line.

Minimum Building Separation:

Per Section 11-5-5(A) of the MZO, two-story buildings located on the same lot shall maintain a minimum 30-foot separation, with a minimum 25-foot separation for single-story buildings. The applicant is requesting a minimum 10-foot building separation between all structures within the development, regardless of the number of stories.

Setback of Cross Drive Aisles:

Per Section 11-32-4 of the MZO, parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 50 ft from the property line abutting the street. Per the submitted site plan, the applicant is proposing a

reduction to 11-feet along the emergency exit to Power Road to accommodate the proposed garages.

PAD Justification:

The proposed development conforms to the criteria for a PAD. Per Section 11-22-1 of the MZO, the purpose of a PAD overlay is to allow modifications to certain development standards to promote innovative design and flexibility that creates a high-quality development for the site. The submitted documents show the proposed development will be unique by incorporating open space areas that exceed the City's size and plant quantity requirements and provides a variety of community recreation facilities. Per the site plan, approximately 120,410 square feet of open space is proposed, which amounts to 47% of the total developable area of the site. In addition, the applicant is proposing trees with a larger box size along the east property line to reduce visibility into adjacent residential properties. Concerning amenities, the applicant is proposing a community pool, covered barbeque areas, and a community center. Overall, the proposed code deviations are commensurate with the proposed building and landscape design features.

Site Plan and General Site Development Standards:

The proposed site plan shows 19, one-two- and three-story multiple residence buildings with a density of approximately 10 dwelling units per acre. Three-story buildings are located along portions of Power and Hobart street frontages to maximize separation from adjacent single residential uses. Single-story units are located along east property line and comply with the minimum building setback and landscape yard width. Each unit contains private open space (i.e., balcony and ground-floor patio) that exceeds the minimum size requirements set forth in the MZO.

Primary access to the northern portion of the subject site (north of Halifax Drive) is from Hobart Street via Power Road and terminates at the proposed clubhouse and amenity space. A gated, exit-only driveway is proposed on the north side of Halifax Drive. Primary access to the southern portion of the site is from Halifax Drive (south side) with a gated, exit-only driveway for emergency services and solid waste vehicles in the southwest corner adjacent to Power Road. Per Section 11-32-3 of the MZO, 129 spaces are required for the proposed development, of which 61 must be covered. The site plan shows 138 spaces, including 70 covered parking spaces.

Overall, the proposed site plan, with the accompanying PAD deviations described below, conforms to the requirements of the MZO including the review criteria for Site Plan Review in Section 11-69-5 of the MZO.

Design Review:

Per Section 11-71-2(A)(2) of the MZO, Design Review is not required for multiple residence projects that do not exceed 15 dwelling units per acre. After review of the landscape plan and building elevations, the proposed designs comply with applicable MZO standards.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Power Road)	North (Across Hobart Street)	Northeast (Across Hobart Street)
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RS-9 Single Residence	RS-35 Place of Worship	RS-35 Single Residence
West (Across Power Road) RS-9 Place of Worship and Single Residence	Subject Property RS-35 and OC Vacant	East RS-35 Single Residence
Southwest (Across Power Road) RS-9 Single Residence	South RS-35 Vacant	Southeast RS-35 Vacant

Compatibility with Surrounding Land Uses:

The subject site is currently vacant. Parcels to the north, across Hobart Street, are zoned RS-35 and developed with a church. An existing single residential subdivision is located to the east and southeast of the subject site and zoned RS-9 and RS-35. Parcels to the west, across Power Road, are zoned RS-9 and developed as a single residential subdivision. The City of Mesa owns the parcel to the south of the subject site and a site plan application has been submitted for a proposed public safety facility. Overall, the proposed multi-residential development is compatible with the surrounding development and land uses.

School Analysis:

The Mesa Public School District reviewed the request for its potential impact on the district and determined that existing schools in the area have capacity to serve the anticipated students.

Table 2: School Impact Analysis

Proposed Development (61 units)	Name of School	Annual Estimated Demand	Adequate Capacity to Serve
Falcon Hill	Elementary	1	Yes
Fremont	Middle School	1	Yes
Red Mountain	High School	1	Yes

Neighborhood Participation Plan and Public Comments:

The applicant completed a 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. Additionally, the applicant held two in-person neighborhood meetings on August 8th and September 19th, 2022. Topics raised by neighbors were: (1) proposed density; (2) traffic congestion on Hobart Street and Halifax Drive; (3) opposition to three-story buildings along the eastern property line; (4) desire for more on-site parking spaces; and (5) concerns about sight line visibility into surrounding single-residential properties.

To address these concerns, the applicant made several changes to the site plan including: (1) reducing building heights from two-story to one-story along the east property line (N0°17'09"E 305.02); (2) increasing landscape yard width along the east property line (N0°27'32"E 304.99);

(3) providing 138 parking spaces, which exceeds the minimum required parking ratio per MZO by 16 spaces; (4) restricting ingress into the northern portion of the development (from Halifax Drive) as well as ingress into the southern portion of the development from Power Road; and (5) providing site line view exhibits to illustrate the proposed visibility conditions along the eastern property line.

As of writing of this report, staff has been contacted by six property owners in the immediate vicinity (Exhibit 4.1) who have expressed opposition to the project. Concerns include but are not limited to: incompatibility with large-lot single-residential neighborhoods to the east; increased density; increased traffic flow on residential streets; and reduced property values.

Staff will provide the Board with any new information during the scheduled Study Session on October 26th, 2022.

Staff Recommendations:

Based on the application received and the preceding analysis, staff finds the subject request is consistent with the Mesa 2040 General Plan, the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO, and meets the review criteria for a Planned Area Development outlined in Section 11-22-5 of the MZO; therefore, staff recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan, landscape plan, and elevations submitted.
2. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
3. Prior to issuance of any building permit, the applicant must record a lot combination map with Maricopa County to accommodate the proposed development.
4. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD and shown in the following table:

Development Standard	Approved
<u>Minimum Building Setbacks:</u> <i>MZO Section 11-5-5(A)</i> -Front and Street Facing Side (6-lane Arterial Street – N. Power Road)	20 feet
<u>Required Landscape Yards – MZO Table 11-5-5 and MZO Section 11-5-5(A)(1)</u> -Street Side (Arterial Street – N. Power Road) -South Side (units 1-3)	14 feet 23 feet, 9 inches
<u>Minimum Building Separation Between Buildings on the Same Lot – MZO Section 11-5-5(A)</u>	(Two-Story) 10 feet (One-Story) 10 feet

Minimum Setback of Cross Drive Aisles – <i>MZO Section 11-32-4</i>	11 feet
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Exhibits:

Exhibit 1-Vicinity Map

Exhibit 2-Staff Report

Exhibit 3-Application Information

3.1 Site Plan

3.2 Grading and Drainage Plans

3.3 Landscape Plan

3.4 Elevations

3.5 Project Narrative

3.6 Line of Sight

3.7 Citizen Participation Plan

Exhibit 4-Citizen Participation Report

4.1 Letters of Opposition