

***3-b ZON22-00829 District 4.** Within the 400 block of South Morris (west side) and within the 300 block of West Broadway Road (south side). Located east of Country Club Drive on the south side of Broadway Road. (1.3± acres). Site Plan Review. This request will allow for a self-storage facility. James Hamilton, DXD Capital, applicant; B & T Lucas Family Trust, owner.

Planner: Joshua Grandlienard

Staff Recommendation: Approval with conditions

Summary:

Staffmember Joshua Grandlienard presented case ZON22-00829. See attached presentation.

Chair Crockett invited the applicant to speak.

Applicant Ralph Pew, 1744 South Vista Drive Suite 217 represented himself on behalf of DXD Capital, and added that this case is a site plan review case, this is not a zoning case, the use is allowed and permitted. Mr. Pew added that he would respond to any comments.

Chair Crockett invited member of the public to speak.

Christopher Fernwalt, 410, South Morris St spoke: Stating that he is opposed to the storage facility being built next to his family's home. Mr. Fernwalt referenced homeless individuals making camp on property, and vandalizing property and added that building a large storage facility would only create more problems with this. Mr. Fernwalt elaborated that building a large wall between his home and the storage facility would give the homeless more of a shelter, with hiding and they already have areas that they have been making shelters. Mr. Fernalt stated that he didn't feel he'd have the privacy that he does adding that his property has stayed in the Thompson family for over 80 years and that he is in the process of fixing up the home and would like to make it look more updated and with having this facility would make his house feel like the "Up" house.

Chair Crockett asked the applicant if he had been in communication with the applicant about the concerns of security and homeless on the property?

Mr. Fernwalt stated that he was not in communication with the applicant.

Boardmember Sarkissian asked Mr. Fernwalkt if he was the property owner.

Mr. Fernwalt stated that he was renting the property.

Boardmember Sarkissian stated that a letter is mailed to the property owner in advance of the public hearing sign posting and Mr. Fernwalt stated that he was aware that a letter was mailed to the property owner.

Chair Crockett read a comment card.

Tina Danford, 410 S. Morris is opposed and does not wish to speak.

John Conover, 410 S. Morris Spoke: and referenced the amount of time and that the first note was on September 26 and was received on October 1, that he called the City and the planner referred him to speak to the applicant. Mr. Conover stated that he was able to submit a card for that as a Design Review Board, but that was all I've been able to do and that he tried to reach out to the applicant many times. A Mr. Conover stated that he reached out to Mr. Pew and was told it was a conflict of interest and that Mr. Pew was there representing the other side. Mr. Conover stated that his existing structure feels like the non-conforming thing that's been there 87 years, almost a century and that he felt like they should have the same rights and needs to have the time to participate properly in this process. The citizen participation plan specifically states of if there is the potential impact, that they need to hold a neighborhood meeting and that a three-story building, right where you can touch it outside your window is a potential impact. Mr. Conover added that he felt very disregarded and that he would like the opportunity to participate or have a full discussion on what we could be done. Mr. Conover referenced the proposed straight wall and the design being appropriate for Design Review but that he wanted the wall to be a staggered and setback as well as progressing stories in height. Mr. Conover mentioned wanting an opportunity to have a dialogue with the applicants, as a very impacted neighbor. Mr. Conover asked the Board to have a continuance in order to give opportunity to have dialogue with the applicant for a couple of weeks, or a month, or two months. Mr. Conover added he wanted to make some points: the first one is contrary to what the council says, this is not zoned properly. As the staff mentioned, there are three separate zonings here. The third zoning that they kind of glanced over is GC, storage units is not an acceptable use in GC per the city of Mesa Ordinances. They have parking, they specifically said that they're going to park they're using that for parking, parking and drainage. And that the property is three zoning districts, two of them allow for sale stores, but one of them does not the current site plan is laid upon top of the zoning in this exhibit shown. Mr. Conover stated that he believes the applicant is using the GC zone for emergency access, and a portion of the parking lot correct circulation. That is a violation of zoning because GC does not allow for self-storage and is not an allowed use and that the applicant would need to exclude that portion of the site from the plan or add a CUP and the Board does not have the authority to approve a Site Plan that does not meet the complete zoning requirements. Mr. Conover reiterated his request to deny, we continue and give the homeowners two months to have a conversation with the applicants.

Chair Crockett stated that the Board was not necessarily able act on that request.

Boardmember Ayers read in submitted comment cards:

Karleen Conover, 410 S. Morris, is opposed: The proposed project will crush our home and will destroy your family's living standards. It would hugely impact our property; we have not been able to properly participate in the process which impacts us greatly. We respectfully requested two-month continuance on the hearing to allow our rights to be represented. This home has been part of Mason's history for 87 years, nearly a century, the applicant submitted

less than three months ago, and we were not notified until just recently, there was no neighborhood meeting or any outreach to us, please, at least grant a two-month continuance.

John Conover, 410 S Morris is opposed: We represent the family living in the home immediately adjacent to the proposed project, we feel that there has not been adequate consideration given to the potential huge impact on this property that this project will cause on our property and our lives. We have not had adequate time to work with the developer, we respectfully ask for continuance on this hearing to allow citizen participation. We understand that all property owners in the city have rights and we are not here to try to take away the developer's rights, but please respect our rights as well. We asked for a two-month continuance to be able to participate.

Chair Crockett invited applicant Ralph Pew to respond.

Applicant Ralph Pew commented: That his involvement in this case has been very recent and explained the citizen outreach. He stated his involvement has been here and consulting on this meeting today, and the status of the objections and that type of thing and that he was not personally involved in the in the outreach, which he typically does, but not in this case.

Chair Crockett inquired if there was a potential conflict that the Board needed to be aware of?

Applicant Ralph Pew responded: That the homeowner called his office and left a message for me to talk about this issue Mr. Pew had his secretary respond and say, we can't visit with you about that. We've been consulted with the applicant. So that's what he I think that's what he meant. We don't have a conflict today. I haven't met with him.

Mr. Pew continued, this really boils down to an issue of what's called conforming and non-conforming uses and referenced the DB-2 zoning, which is the Downtown Business District 2, in which self-storage is a permitted use, in that zoning district in one form or another, it's been called several things over the decades. Mr. Pew stated that the use that is non-conforming is the single-family residence and that it can continue forever, and nothing can interrupt that residential use. But that he felt that how non-conforming uses intervene or have impact upon a site plan case should be considered carefully. For a permitted use in an adjoining allowed zoning district. Mr. Pew added that there is a prepared site plan, and it was presented to staff and now the Board. Does the site plan conform to the requirements of the City of Mesa Zoning Code for this use on this property setbacks, distances, turning radiuses, traffic safety, trash collection, all that? Mr. Pew also referenced the staff report that recommends approval, because the project does conform to all those things. Mr. Pew referenced the multiple zoning districts brought up previously and stated the issue had been dealt with.

Applicant Cameron Packnet DXD Capital, spoke: And stated that he was told that the outreach would be a posting of the application, as well as letter outreach, which was done as well as speaking with the neighbors, who are two of the commercial users, Orange Street Mechanical and Sunkist, which provided their verbal support for the project. Mr. Packnet also stated that they did receive a call from residential neighbors, those discussions were to see if we would be open to purchasing the property, and at that point, we just weren't in a in a

position to be able to make those decisions, or have that discussion, but that was the extent of our conversation with the with the opposing party and that his team followed staff's recommendation, and went ahead with the what's in the code as far as the outreach. Mr. Packnet continued by added that he did not have specific conversations regarding homeless population but that the development itself is that this is all going to be interior climate control, there's going to be no exterior units, and that he has on site multiple times and agrees there does seem to be encampments, or someone on the property, but that a development would allow for that to go away, because now there'll be cameras with 24 hour security, both interior exterior their property. My Packnet also added that safety measures such as proper lighting, would actually make it a safer area for the residents.

Boardmember Peterson asked the applicant if they would be willing to continue the case and have further discussions with the neighboring property owners.

Mr. Pew responded: That the plan that we have set forth, has been worked on for quite some time and that the owner of the current property, has had discussions with them in the past as well. They felt that they've done everything they can and worked with staff to be able to design something that fits within the parameters of what the City is looking for, plus add on additional aesthetic pieces such as: different paneling, different coloring, different things to be able to provide the aesthetic look that would be accepting to the overall neighborhood. Mr. Pew added that they are always open to having discussions but, this has been something that's been posted and something that has been open for discussion for exactly what the City requires, and there has been no real discussion, as far as or ideas or requests on things to change.

Chair Crockett inquired: about the GC zoning designation in reference to the comment made by Mr. Conover, parking and if that was a relevant concern?

Staffmember Joshua Grandlienard clarified: The use itself is located on DB-2; it is allowed by right within that zone. The parking and retention are allowed uses within those specifics GC. So based off of the understanding staff has that they would be consistent with the MZO. Because the strip, the use, Self-Storage is located all within that BD-2

Assistant Planning Director Rachel Nettles stated: when we look at sites that have split zoning, it's a matter of what the uses is that's being shown on those portions of the site. So, if they are allowed on that portion of the site, that zone GCS, is really a retention area, and there's a portion of the trash enclosure that's included in that zoning district. So that would be a permissible use within that zoning district.

Chair Crockett inquired: In terms of the Site Plan Review, as the site plan conforms to the applicable requirements, we don't have a lot of discretion in terms of not approving that. But my question is here, where you've got a neighbor like this, does the Site Plan Review take into account impact, an adjoining property like this? Or is it or are you simply only allowed to look within the boundaries of the property itself?

Assistant Planning Director Rachel Nettles responded: it is not as discretionary, as some of our zonings or Conditional Use Permits are. So, we are strictly looking at the criteria laid out

in the zoning ordinance, and that is the quality development design guidelines to see if it's complying with those. And this is so we really don't have a justification to deny the use on the site.

Boardmember Sarkissian inquired: That she has a concern about the landscape plan regarding that area being so close to the railroad and the homeless population and that screening sometimes encourages the homeless issue. Boardmember Sarkissian added that perhaps a wrought iron fence requiring a key or making sure the retention area does not have surfaces where people can lie, such as including jagged rocks, or maybe even reducing the trees in the back that are shade trees, to discourage people to stay back there.

Staffmember Joshua Grandlienard responded: That was addressed as part of the Design Review, some middle landscape plan that you see was what was submitted as part of Site Plan Review and it was addressed, two days ago, so there was not time to swap the document prior to packet going out. Some items discussed in Design Review the lights, wrought iron was a part of that new wall, as well as changing those trees to reduce the shade canopies, and changing the material within the retention days.

Boardmember Pitcher inquired:

Was there any discussion about lighting and the cameras? Because, you know, the worst thing that could happen is they have cameras and lights on their on their house and in the backyard?

Staffmember Joshua Grandlienard responded: I don't believe the discussion at Design Review mentioned cameras specifically, but we did go in depth about lighting itself. So, the majority of the lighting along the pedestrian level is located (about I believe) nine to 10 feet in height, and that the screen wall that is allowed within the DB-2 zone, that would be about eight foot high and that the plan did meet the lighting standards for photometrics.

Boardmember Allen inquired: if there were any openings that somebody could have the visibility right directly to their backyard.

Staffmember Joshua Grandlienard responded: That there isn't any kind of access views from that Eastern side. All the glazing is located on the north side in order to meet the quality of design standards or guidelines.

Chair Crockett closed the public hearing.

Boardmember Peterson stated: the non-conforming house is non-conforming because the code came in around the house and the rules weren't made for that situation, and the he understands that those things happen. Boardmember Peterson references that a couple of cases that will be discussed in the future, there is a separation of 50, 100, 100, plus feet between structures, and there's been a lot of a lot of work and discussions on those and it seems reasonable to me to give some time to for the property owner and the developer to just have a discussion about valid legal rights to maintain the perimeter of their house. Things like landscaping, just seemed like subtle things that can be adjusted however, it seems reasonable to extend discussions.

Vice Chair Ayers stated: with reviewing this the Board should remember what their purview is, which is being reviewed is a site plan that is a right, that is allowed. Vice Chair Ayers added that he completely agrees with what was being said and appreciates what Mr. Conover has to deal with. However, the Board has purview that has to be worked within and that he encourages that the developer actually works with the homeowner as well, and it sounds like that's already started to happen although. Vice Chair Ayers added that he agrees with some of the concerns, however, the purview of the Board is clear and fairly straightforward.

Boardmember Sarkissian added: while she agrees with Boardmember Peterson, they are perfectly within their right, right now of what the code is. And so, they can take suggestions, but technically they do not have to change your site plan in any way.

Vice Chair Ayers motioned to approve case ZON22-00829. The motion was seconded by Boardmember Allen.

That: The Board recommends to approve case ZON22-00829 conditioned upon:

1. Compliance with final site plan submitted.
2. Compliance with all requirements of Design Review case DRB22-00825.
3. Compliance with all City development codes and regulations.

Vote: 6-1

Upon tabulation of vote, it showed:

AYES – Crockett, Ayers, Allen, Sarkissian, Pitcher, Montes

NAYS – Peterson

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Note:Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at www.mesaaz.gov



ZON22-00829



Request

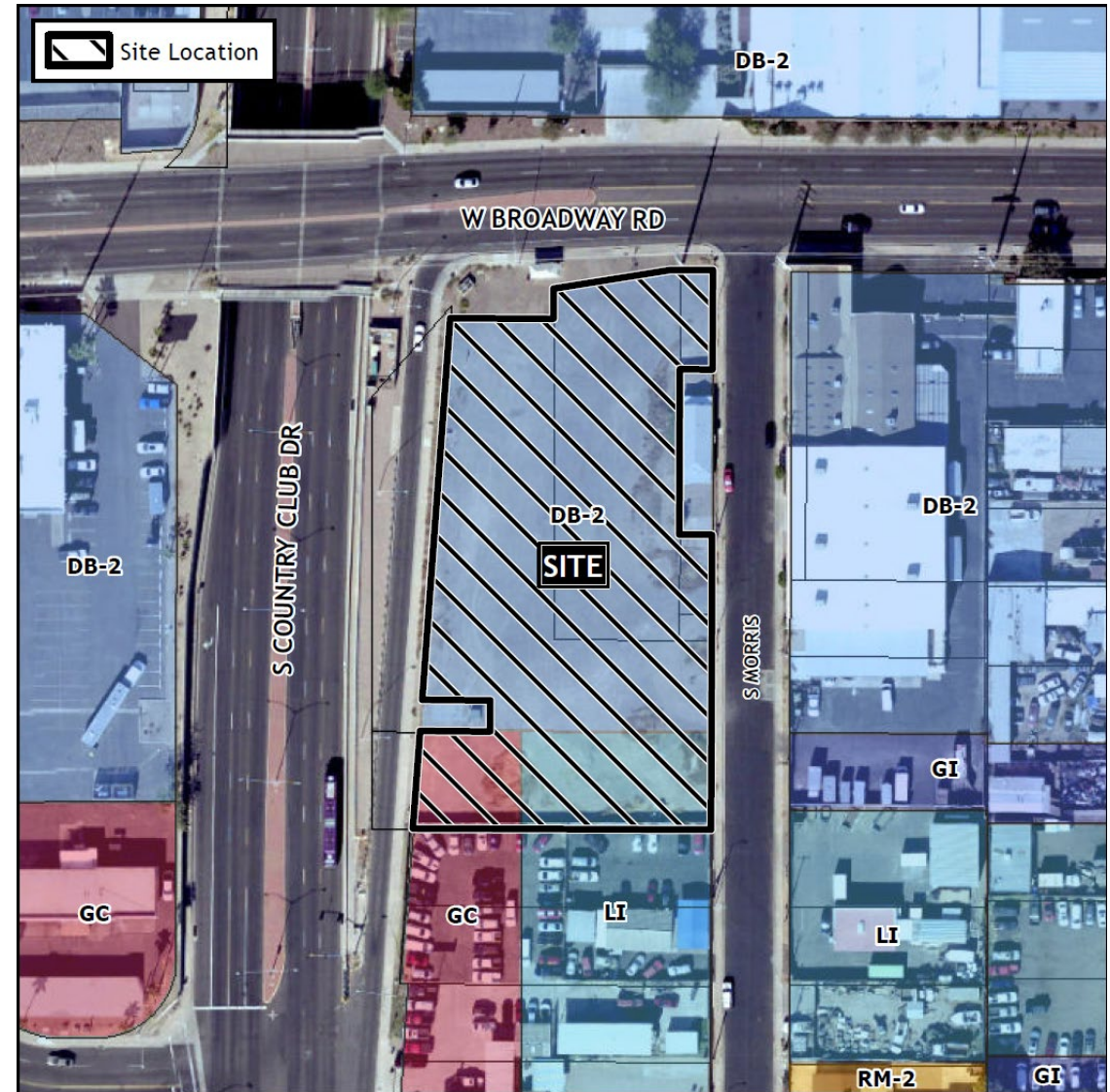
- Site Plan Review

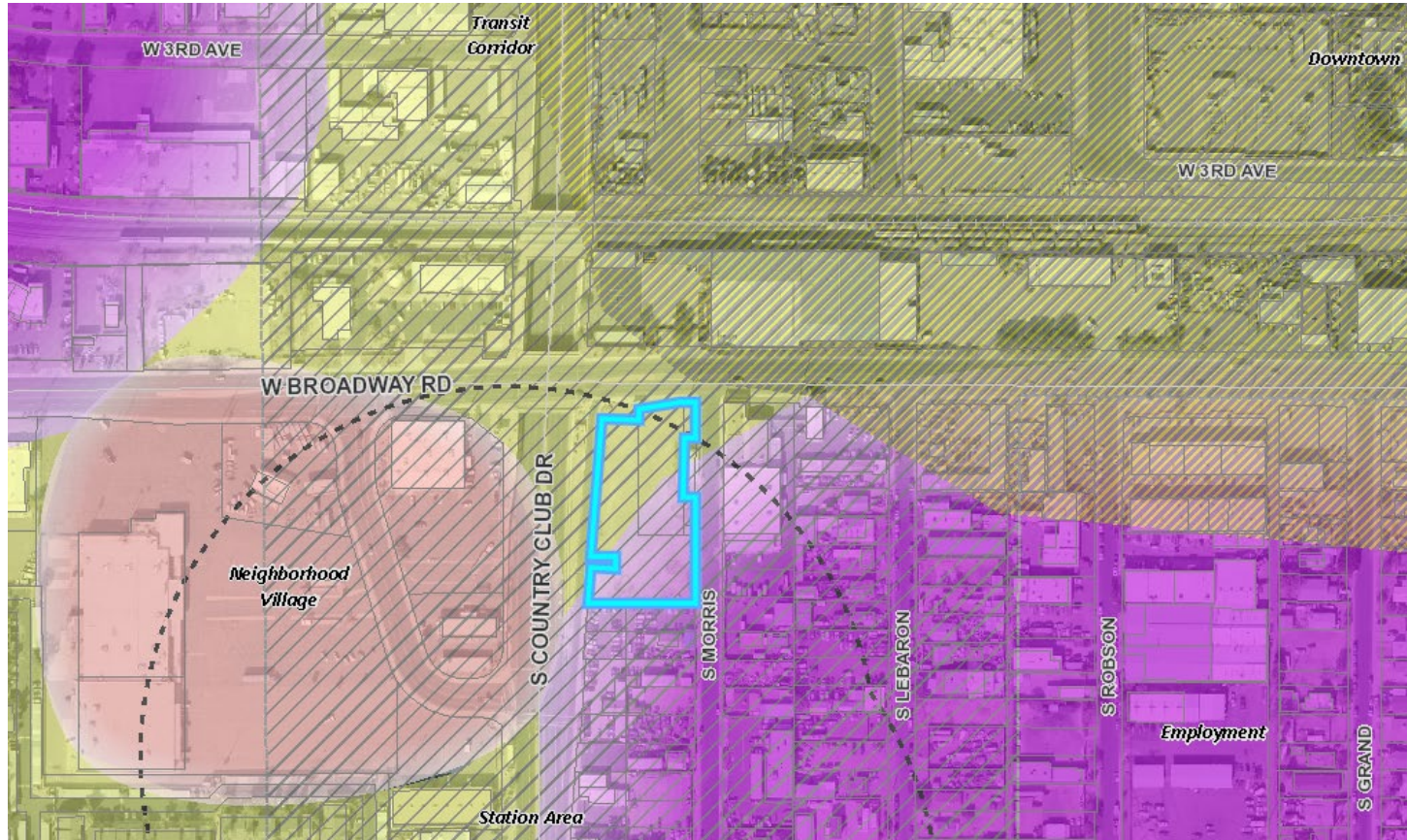
Purpose

- To allow for the development of a Self-Storage Facility

Location

- South of Broadway Road
- East of Country Club Drive





General Plan

Neighborhood

- Clean, safe and healthy areas
- Sense of place

Employment

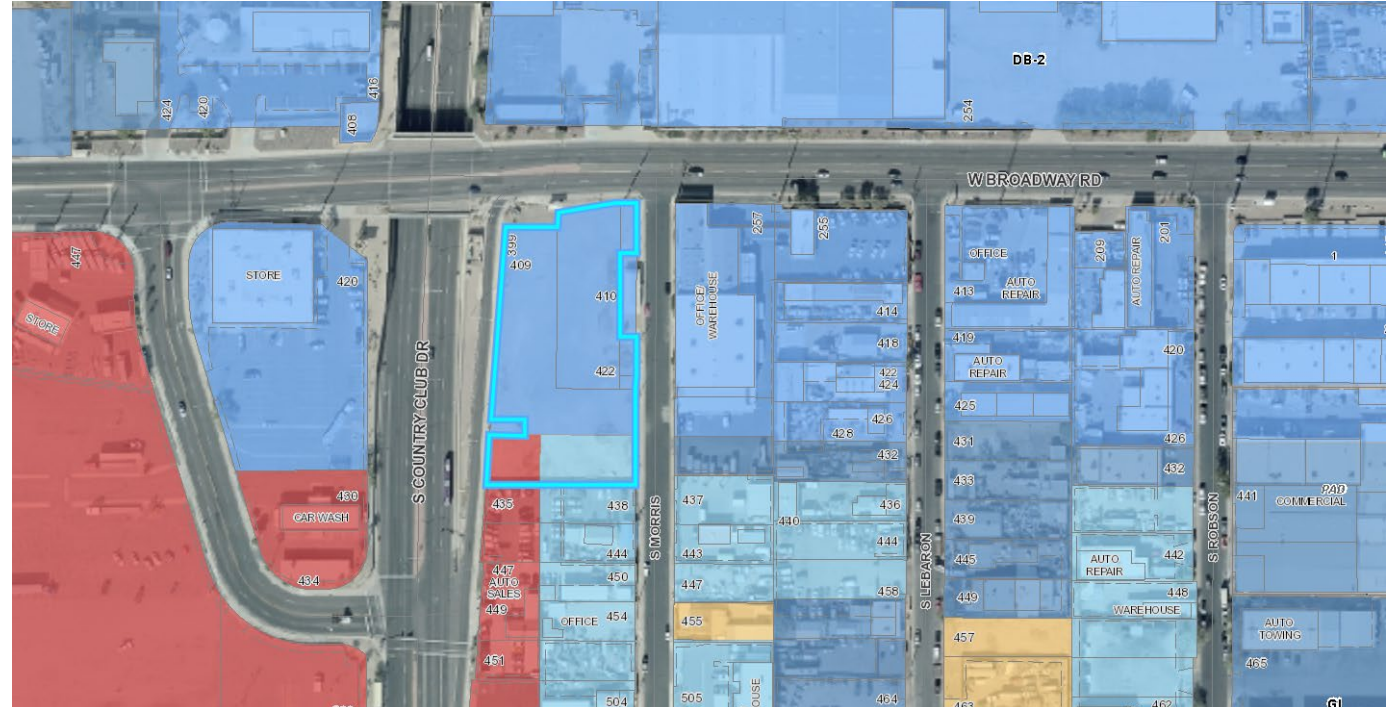
- Variety of places to work, including warehousing/storage

Transit - Station Area

- Area designated for a consistent high level of transit options

Existing Zoning

- Majority of the property is zoned DB-2
 - Self-Storage allowed by right, all portions of facility on DB-2
 - Parking and retention located within LI and GC zones

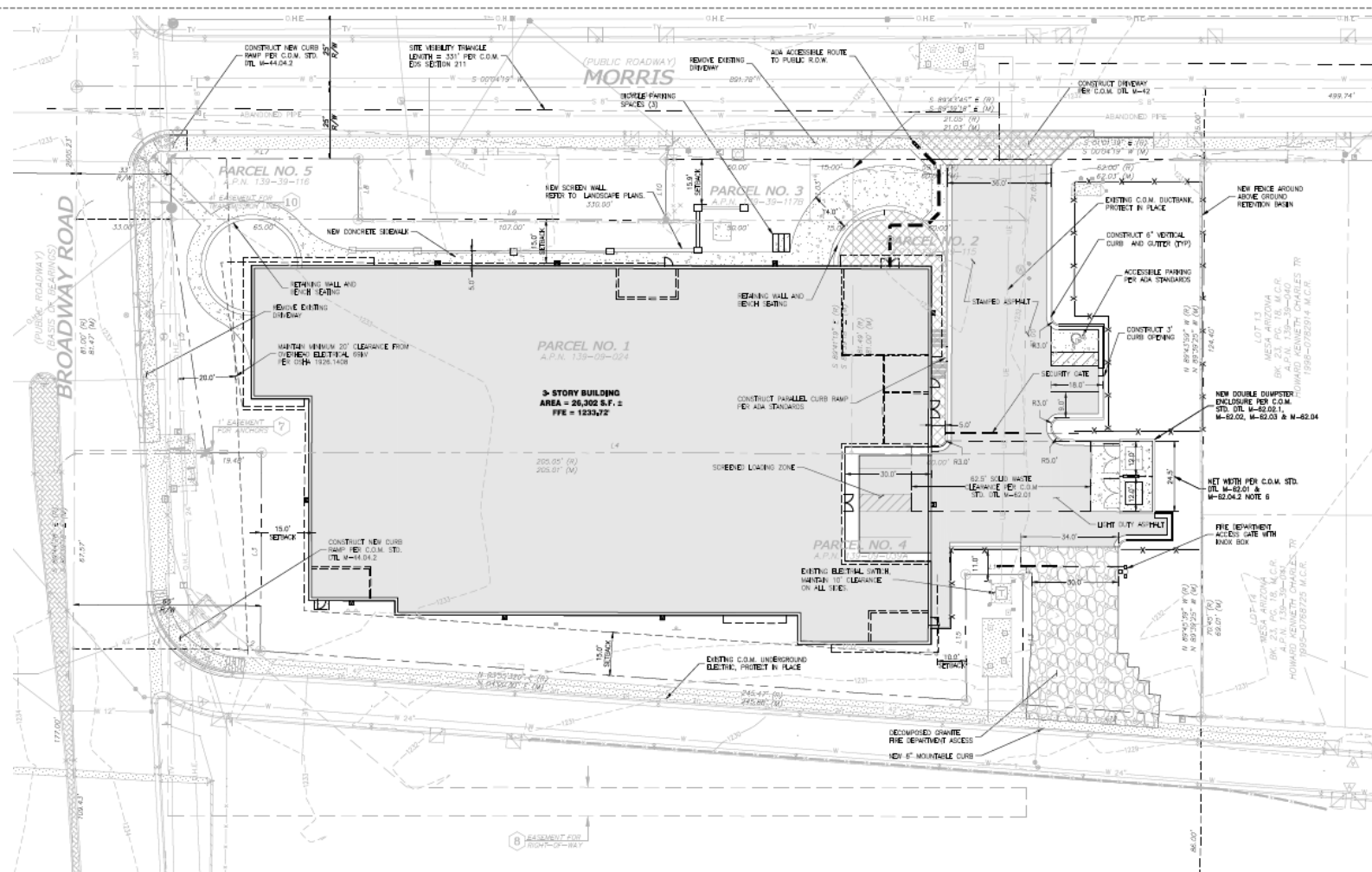


Site Photo

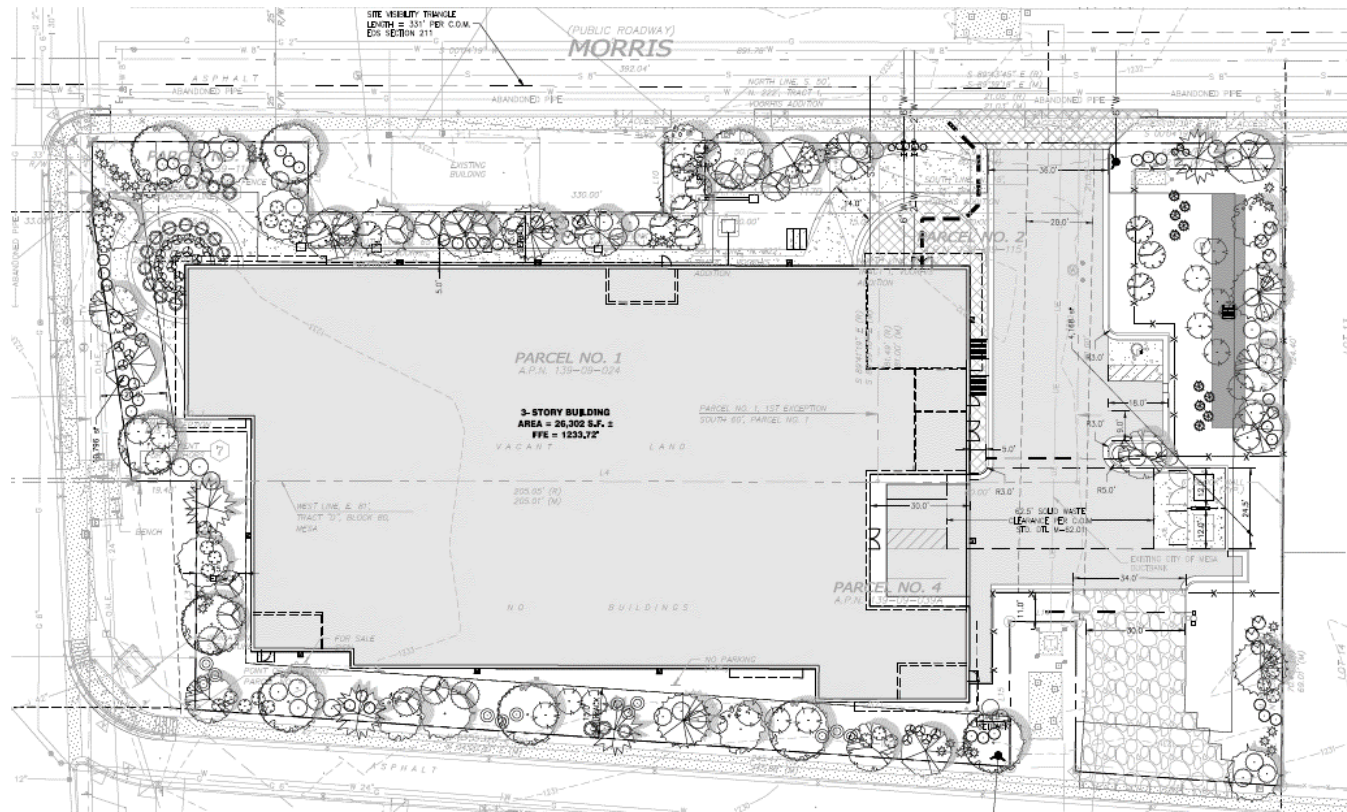


Looking south towards the site from Broadway Road

Site Plan



Landscape Plan



PROPOSED PLANT MATERIAL SCHEDULE						
SYMB.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	PLANT TYPE FOR LANDSCAPE CREDIT	REMARKS
TREES						
	7	<i>Sophora secundiflora</i>	Texas Mountain Laurel	15 GAL	Ornamental	Multi-Trunk
	8	<i>Acacia greggii</i>	Mulga	24" BOX	Shade	Standard Trunk
	4	<i>Acacia salicina</i>	Willow Acacia	24" BOX	Evergreen	Standard Trunk
	4	<i>Acacia salicina</i>	Willow Acacia	15 GAL	Evergreen	Standard Trunk
	9	<i>Quercus virginiana</i>	Live Oak	36" BOX	Evergreen	Multi-Trunk
	7	<i>Ulmus parvifolia</i> "Sempervirens"	Evergreen Elm	24" BOX	Evergreen	Standard Trunk
	4	<i>Dalbergia sissoo</i>	Sisoo Tree	24" BOX	Evergreen	Standard Trunk
SHRUBS						
SYMB.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	PLANT TYPE FOR LANDSCAPE CREDIT	REMARKS
	12	<i>Nerium oleander</i> "petite pink"	Petite Pink Cleander	5 GAL	Medium Shrub	
	41	<i>Hesperaloe parviflora</i>	Red Yucca	5 GAL	Small Shrub	
	32	<i>Dasyliion wheeleri</i>	Silver Desert Spoon	5 GAL	Small Shrub	
	35	<i>Leucophyllum longimanus</i> "Lynns Legacy"	Lynns Legacy Sage	5 GAL	Medium Shrub	
	35	<i>Tecoma x 'Bells of Fire'</i>	Bells of Fire	5 GAL	Medium Shrub	
	17	<i>Liriodendron latifolium</i>	Greensedge	5 GAL	Large Shrub	
	14	<i>Dodonaea viscosa</i>	Hopseed Bush	5 GAL	Large Shrub	
	23	<i>Bougainvillea 'Torch Glow'</i>	Torch Glow Bougainvillea	5 GAL	Medium Shrub	
	16	<i>Justicia californica</i>	Chuparosa	5 GAL	Medium Shrub	
	12	<i>Caesalpinia pulcherrima</i>	Red Bird of Paradise	5 GAL	Large Shrub	
	10	<i>Encarnia lanifolia</i>	Turpentine Bush	5 GAL	Small Shrub	
GROUND COVER						
SYMB.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	PLANT TYPE FOR LANDSCAPE CREDIT	REMARKS
	10	<i>Acacia 'Desert Carpet'</i>	Desert Carpet Acacia	1 GAL	Evergreen G.C.	
	8	<i>Aloe 'Blue Elf'</i>	Blue Elf Aloe	1 GAL	Evergreen G.C.	
	19	<i>Lantana montevidensis</i>	Purple Trailing Lantana	1 GAL	Evergreen G.C.	

Design Review

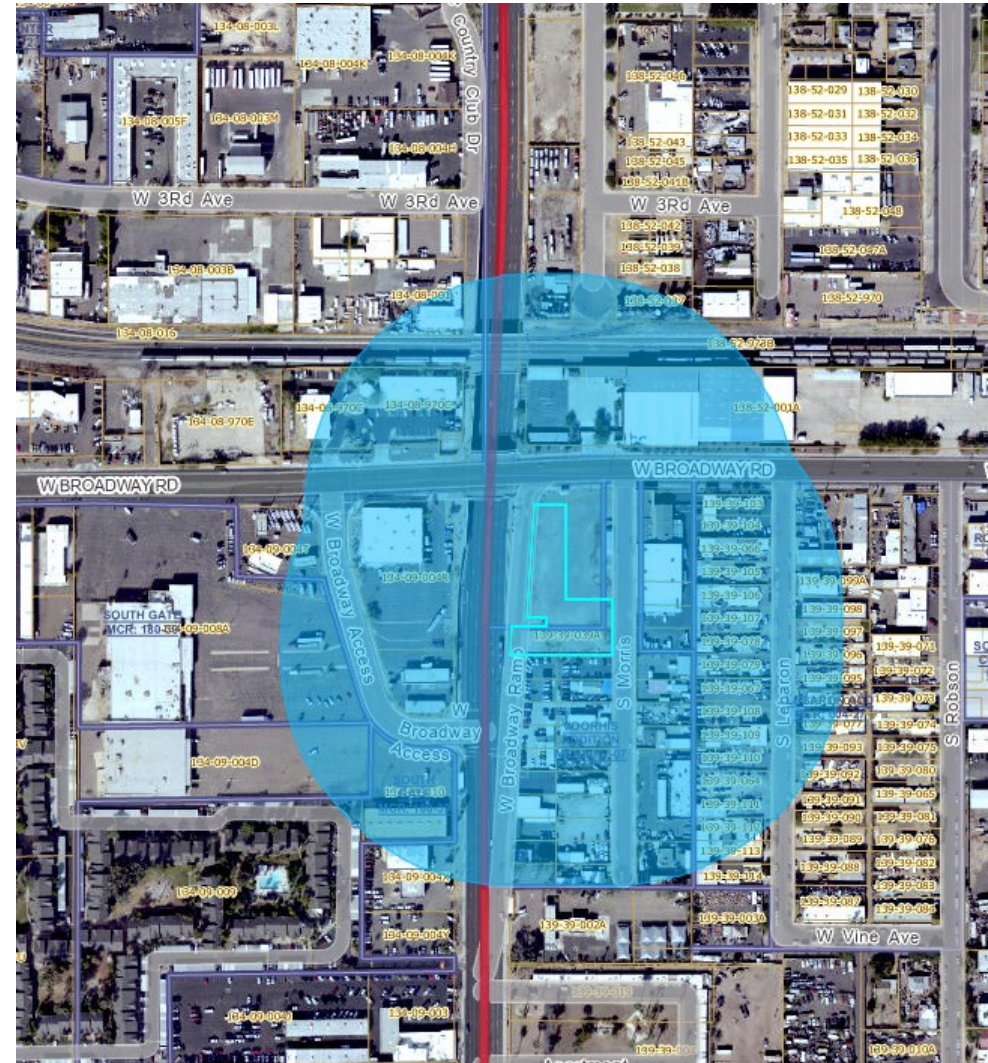
- October 11, 2022
- Minor comments from the Design Review Board that will not affect the site plan



CORNER OF W. BROADWAY RAMP AND W. BROADWAY RD.

Citizen Participation

- Property owners within 500 feet, HOAs & Registered Neighborhoods



Summary

Findings

- ✓ Complies with the 2040 Mesa General Plan
- ✓ Meets the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO

Staff Recommendation

Approval with Conditions