



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**March 1, 2023**

CASE No.: **BOA22-00718**

CASE NAME: **Rio Salado 4plex**

|                       |   |
|-----------------------|---|
| Owner's Name:         | National Consulting Group LLC   |
| Applicant's Name:     | 312 Architect and Design  |
| Location of Request:  | Within the 500 Block of West Rio Salado Parkway (north side).<br>Located north of West University Drive and west of North Country Club Drive. |
| Parcel Nos:           | 135-16-041  |
| 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-2 (RM-2)   |
| Council District:     | 3   |
| Site size:            | 0.46± acres   |
| Existing use:         | Single Residence  |
| Hearing date(s):      | <b>March 1, 2023 / 5:30 p.m.</b>  |
| Staff Planner:        | Josh Grandlienard, AICP, Planner II   |
| 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-2 (RM-2) District (Ordinance No. 228).

Per the Maricopa County historic aerials, the existing single-residence structure has been on the property since the late 50s.

**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 (four dwelling units) in the Multiple Residence-2 (RM-2) District. Proposed improvements on the 0.46± acre property include two two-story buildings totaling 1,768± square foot, 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 western side yard building setbacks and the perimeter landscape yard widths and plant material requirements. Within the parking field, the applicant is requesting a modification to the standard to allow a landscape island to occur every nine spaces instead of every eight spaces as required by Section 11-33-4 of the MZO. Also, the DIP includes a request to place the solid waste enclosure within the required front landscape yard on collection days, which is consistent with the surrounding properties along Rio Salado Parkway.

**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-2. Per Table 11-5-5 in the MZO, a multiple residence use with a maximum density of 15 dwelling units per acre is permitted in the RM-2 District. The density of the proposed multiple residence development is 8.7 dwelling units per acre.

**Site Characteristics:**

The subject site is located west of Country Club Drive on the north side of Rio Salado Parkway and consists of one parcel totaling 0.46± acres. The proposed site plan shows two buildings totaling 3,536± square foot building with four, 884± square foot, two-bedroom units. Each unit has direct access to a landscaped area on the north side of the property via a pedestrian path. To the north of the buildings, are nine uncovered parking spaces, and a common open space area. In addition, trees, shrubs and ground cover are provided in the perimeter landscape areas along to the north, south and west property lines.

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

| <b>Northwest</b><br>RM-3     | <b>North</b><br>RM-3         | <b>Northeast</b><br>RM-2     |
|------------------------------|------------------------------|------------------------------|
| Existing Multiple-Residences | Existing Multiple-Residences | Existing Multiple-Residences |

|   |   |  |
|---|---|--|
| <b>West</b><br>RM-2<br>Existing Single-Residence  | <b>Subject Property</b><br>RM-2<br>Existing Single-Residence                                | <b>East</b><br>RM-2<br>Existing Church   |
| <b>Southwest</b><br>(Across West Rio Salado<br>Parkway)<br>RM-3<br>Existing Multiple-Residences | <b>South</b><br>(Across West Rio Salado<br>Parkway)<br>RM-3<br>Existing Multiple-Residences | <b>Southeast</b><br>(Across West Rio Salado<br>Parkway)<br>RM-2<br>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**

| <b>Development Standard</b>  | <b>MZO Requirement</b>  | <b>Applicant Proposed</b>                                       | <b>Staff Recommendation</b> |
|--|---|---|-----------------------------|
| <i>Building Setbacks - Table 11-5-5:</i><br><br>Interior Side (west)         | 15-feet each story =<br>30-feet   | <b>Nine-feet</b>  | <b>As proposed</b>          |
| Trash and refuse collection areas – Section 11-30-12(B):                     | Shall not be located within any required front yard, street side yard, or within any required landscape areas | <b>Within required Front landscape yard on collection days.</b> | <b>As proposed</b>          |
| Landscape yard – Section 11-33-3(B)(1), Non-single residence use adjacent to |   |   |                             |

| Development Standard   | MZO Requirement   | Applicant Proposed  | Staff Recommendation |
|--|---|---|----------------------|
| single residence use:<br>East and West property line   | 20 feet   | Six-feet  | As proposed          |
| Landscape yard – Section 11-33-3(B)(1)(c)(iii), Areas visible from public parking or drive aisles:<br>east 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          |
| Interior Parking Lot Landscaping – Section 11-33-4(B)(2)(a), Landscape Islands:  | A minimum of one landscape Island for every eight parking spaces                                  | A minimum of one landscape Island for every nine parking spaces | 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 0.46± acres, does not exceed 2.5 net acres and the parcel has been in its current configuration for more than 10 years.**

***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 Rio Salado Parkway.**

***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 south of the subject property across West Rio Salado Parkway are developed with multiple-residences and the properties to the east and west of the**

subject property are developed with single 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 will be reviewed by the Planning and Zoning Board on March 8, 2023. 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 2.5 net acres and the parcel has been in its current configuration for more than 10 years.
- B. The subject property is served by, or has direct access to, existing utilities within West Rio Salado Parkway.
- 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 case ZON22-00717.

**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