



PLANNING DIVISION
STAFF REPORT

Planning and Zoning Board

May 10, 2023

CASE No.: **ZON22-01344**

PROJECT NAME: **La Mesita Phase 4**

Owner's Name:	A New Leaf Inc
Applicant's Name:	Earl & Curley PC
Location of Request:	Within the 2200 block of West Main (north side). Located north of Main Street and west of Dobson Road.
Parcel No(s):	135-45-005
Request:	Rezone from General Commercial (GC) and Multiple Residence-4 (RM-4) to General Commercial with a Bonus Intensity Zone (GC-BIZ), Council Use Permit, and Site Plan Review. This request will allow for a multiple residence development.
Existing Zoning District:	GC and RM-4
Council District:	3
Site Size:	1± acres
Proposed Use(s):	Multiple Residence
Existing Use(s):	Vacant
Hearing Date(s):	May 10, 2023 / 4:00 p.m.
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **April 20, 1959**, Mesa City Council approved the annexation of 1,378.32± acres of land, including the subject property, into the City of Mesa and established General Commercial (C-3) (equivalent to current General Commercial [GC]) and Multiple Dwelling and Office (R-4) (equivalent to current Multiple Residential-4 [RM-4]) zoning on the property (Annexation 131, Ordinance No. 812).

On **April 23, 2012**, Mesa City Council approved a rezone of 3.4± acres located directly west of the subject property, from GC and RM-4 to GC and RM-4 with a Council Use Permit and Bonus Intensity Zone (GC-CUP-BIZ and RM-4-CUP-BIZ) and approved a site plan for La Mesita Phases 1-3 (Case No. Z12-12, Ordinance No. 5086).

PROJECT DESCRIPTION

Background:

The applicant is requesting a rezone of the 1± acre property from General Commercial (GC) and Multiple Residence-4 (RM-4) to General Commercial with a Bonus Intensity Zone (GC-BIZ), approval of a Council Use Permit and an Initial Site Plan to allow for a multiple residence project (Proposed Project).

The subject site is located on the north side of Main Street and west of Dobson Road east of La Mesita Phases 1-3. The Proposed Project consists of one three-story building with podium parking located on the first floor, and an amenities deck provided on the second floor.

A total of 54 units are proposed with a gross density of approximately 54 dwelling units per acre. The requested BIZ overlay is to allow modifications to certain development standards set forth in the Mesa Zoning Ordinance (MZO).

In addition to the proposed BIZ, the applicant is also requesting a Council Use Permit to deviate from the commercial floor area requirements for residential uses in commercial districts per Section 11-31-31 of the MZO to allow the Proposed Project to develop with 100% residential uses within a commercial zoning district.

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 and a Transit District with a Corridor 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 may contain a variety of housing types including multiple residence. The Transit Corridor Sub-type is used as an overlay to the other character types and is used to transition the area into a more transit and pedestrian oriented development form. Development within the Transit Corridor Sub-type is less intense, but will still evolve into a more urban pattern with buildings brought close to the front property lines and parking behind or beside buildings.

The Neighborhood-Suburban character area includes primary and secondary zoning districts and land uses but does not include a specific minimum or maximum requirement. Per Chapter 7 (pg. 7-4 & 7-5) of the General Plan, when a character type and sub-type includes a list of primary zoning districts and land uses but does not include specific minimum or maximum requirements, a majority of the character area, defined as 55% or more, must be established with primary zoning districts and land uses before secondary zoning districts and land uses may be used. The majority of the Neighborhood-Suburban character area in which the Proposed Project is located has been established with primary zoning districts and land uses. Furthermore, the proposed multiple residential use is a primary land use Neighborhood-Suburban character area.

The proposed General Commercial zoning district is not listed as a primary or secondary zoning district for the Neighborhood-Suburban character area. However, per Chapter 7 of the General Plan (pg. 7-7), as part of a rezoning, City Council may approve zoning districts that are not listed as primary and secondary zoning districts if it is clearly demonstrate the proposed development or rezoning will achieve the intended character of the area and is a better option than the zoning districts listed for that character type. The Proposed Project is also within the West Main Street Area Plan whose intent is to provide for transit-oriented development that contains mixed-use development and transit supportive densities.

The subject site is currently zoned GC and RM-4, neither of which are primary zoning district in the Neighborhood-Suburban Character Type. In order to redevelop the entire site, staff recommends that City Council consider approve GC as a secondary zoning district on this property because it will achieve the intended character of the area and is a better option than the secondary zoning districts listed for the following reasons.

- The majority of properties along Main Street, west of Country Club Drive to the Tempe border, are zoned GC and have been since the properties were annexed and zoning was established in 1959;
- Rezoning the entire site GC zoning sustains the existing zoning pattern in the area, is consistent with the adjacent commercial uses, and ensures that commercial uses remain along Main Street.
- Other commercial zoning districts (i.e., Office Commercial, Neighborhood Commercial and Limited Commercial) are permitted as secondary zoning districts so it would not be out of character to allow the General Commercial zoning district for the Proposed Project.
- If the Proposed Project requires any major modifications to either the operating characteristics or site plan, it will require a zoning action that would need to be reviewed and approved by City Council.
- The development of the Proposed Project under GC zoning with a CUP meets the intent of the Neighborhood-Suburban character type by allowing for multiple residence and commercial uses along arterial frontages;
- The Proposed Project is consistent with the Suburban Sub-type form and guidelines (Pg. 7-14) which states that 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). The Proposed Project contains a three-story building along Main Street consistent with these guidelines.
- The Proposed Project is consistent with the Transit Corridor Sub-type form and guidelines (Pg. 7-38) which states that buildings should be at least two-stories tall, lot coverage should typically be between 40% and 80% but could be 100%, buildings should be brought close to the street with parking behind buildings to help frame the public realm. The proposed GC zoning helps develop the site with more urban development standards. The

building is brought close to the street with ground floor parking tucked behind first floor commercial space along Main Street achieving the goals of the Transit Corridor Sub-type.

- The proposed GC zoning with a CUP is also more consistent with the Transit Corridor designation and the West Main Street Plan by providing a mix of uses that helps to fulfill the goals and policies of providing transit-oriented development along Main Street.
- The development of the Proposed Project with the GC zoning helps achieve the following policies outlined within the West Main Street Area Plan:

LUP18: Vertically and horizontally mixed-uses and high-density multi-family residential shall be encouraged in the TOD corridor area.

LUP21: Residential density in the TOD Corridor Area should not be less than 17 dwelling units per acre in single use projects. Mixed-use projects should not be limited by a minimum density and, instead should provide functionally and physically integrated mixed-use components.

LUP23: A building height of minimum 2 stories and maximum 5 stories are acceptable for buildings in the TOD Corridor Area.

LUP35: Alternative parking arrangements besides surface parking should be encouraged in the area to create a more compact, pedestrian-friendly environment. Such arrangements can be in the form of podium parking, parking garages and underground parking.

In summary, staff finds that the Proposed Project 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 GC and RM-4 to GC-CUP-BIZ. The proposed multiple residence development is permitted with the approval of a CUP.

BIZ Overlay Modification – MZO Article 3, Chapter 21:

The subject request includes a Bonus Intensity Zone overlay (BIZ) to allow for modifications to certain required development standards of the MZO on the property. Per Section 11-21 of the MZO, the purpose of the BIZ overlay is to allow greater intensity of development and encourage unique, innovative developments of superior quality for the site.

Table 1 below shows the MZO required standards and the applicant's proposed BIZ standards.

Table 1: Development Standards

Development Standards	MZO Required	BIZ Proposed	Staff Recommendation
<u>Maximum Building Height</u> – <i>MZO Table 11-6-3.A</i>	30 feet	52 feet	As Proposed

<u>Maximum Lot Coverage –</u> <i>MZO Table 11-6-3.A</i>	80%	85%	As Proposed
<u>Maximum Residential Density –</u> <i>MZO Table 11-6-3.A</i>	25 du/acre	56 du/ac	As Proposed
<u>Foundation Base –</u> <i>MZO Section 11-33-5(A)(2)</i> -Exterior Wall without a Public Entrance (adjacent to parking stalls)	Minimum 10 feet wide	Minimum 6 feet wide	As Proposed
<u>Minimum Setback Along Property Lines or Buildings and Parking Areas –</u> <i>MZO Table 11-6-3.A</i> -Front and Street Facing Side: 4-lane arterial (Main Street) -Interior Side and Rear: Adjacent to Non-residential District	15 feet 15 feet per story (45 feet total)	10 feet Interior Side: 5 feet total Rear: 20 feet total	As Proposed
<u>Required Landscape Yards –</u> <i>MZO Section 11-33-3.B</i> -Non-Single Residence Adjacent to Non-Single Residence	15 feet	10 feet	As Proposed
<u>Private Open Space –</u> <i>MZO Section 11-5-5(A)(3)</i> -Proportion of Private Open Space	Studio and 1-bedroom units: 60 square feet per unit	1-bedroom units: 60 square feet per unit Studio units: Zero square feet per unit	As Proposed

Maximum Building Height:

Per MZO Table 11-6-3.A, the required maximum Building Height within the General Commercial Zone is 30 feet in height.

The applicant is requesting to increase the proposed height of the structure to 52 feet in order to allow for the structure to be built on a parking podium while also providing for residential uses within a transit corridor, which is consistent with the West Main Street Area Plan by providing for transit oriented development.

Maximum Lot Coverage:

Per Table 11-6-3.A of the MZO, the maximum lot coverage in the GC District is 80% of the lot. The applicant is requesting to utilize approximately 85% of the lot.

Maximum Residential Density:

Per Table 11-6-3.A of the MZO, the maximum density permitted within the General Commercial Zone is 25 units per acre. The applicant is requesting an increase to 56 dwelling units per acre which is consistent with the West Main Street Area Plan by providing for high density residential that would support transit oriented development.

Foundation Base:

Per Section 11-33-5(A)(2) of the MZO, exterior walls with no public entrance must provide a minimum 10-foot-wide foundation base along the entire length of the exterior wall adjacent to parking stalls.

The applicant is requesting to reduce the minimum width of the foundation to six feet adjacent to parking stalls which is consistent with the BIZ deviations approved for La Mesita Phases 1-3.

Minimum Setback Along Property Lines or Buildings and Parking Areas:

Per Table 11-6-3.A of the MZO, the minimum setback along front and street-facing yards adjacent to a four-lane arterial is 15 feet. The applicant is requesting a 10-foot setback along Main Street.

Per Table 11-6-3.A of the MZO, the minimum setback along interior and rear yards adjacent to non-residential district is 15 feet per story. The setbacks along the side and rear yards for the Proposed Project would be 45 feet since the proposed structure is three stories in height. The applicant is requesting a five-foot interior setback and a 20-foot rear setback.

Private Open Space:

Per Section 11-5-5(A)(3) of the MZO, studio and one-bedroom units must have at least 60 square feet of private open space.

The applicant is proposing to provide the required 60 square feet of private open space for one-bedroom units via balconies. However, for studio units, the applicant is proposing zero square feet of private open space and instead each floor would contain a shared community room for the specific use of the studio units on that floor.

BIZ Justification:

Section 11-21-1 of the MZO specifies that the intent of the BIZ overlay is to provide for variation from the application of residential densities and other development standards to allow greater intensity of development and encourage unique, innovative developments of superior quality. The proposed project, La Mesita, provides a high-quality design that is consistent with the surrounding West Main Street Area Plan and the General Plan designation of Neighborhood within the Transit Corridor.

Site Plan and General Site Development Standards:

The Proposed Project consists of one three-story multiple residence buildings with a total of 54 dwelling units. One-bedroom units along Main Street will be provided with a 92 square foot balcony while studio apartments will have access to a community room private to each floor.

Common open space amenities are located in the center of the second floor and include a shuffleboard court.

Primary access to the Proposed Project is from a shared access from Phases 1-3 via Main Street. Secondary access is provided via shared access from Phases 1-3 to the west and north. Per Section 11-32-3 of the MZO, 1.2 parking spaces per unit are required since the Proposed Project is located within a quarter mile of the light rail station. Therefore, 65 spaces are required for the Proposed Project; the applicant is providing 80 spaces, all of which are covered garage parking spaces.

Council Use Permit:

Per Table 11-6-2 of the MZO, Multiple Residence is permitted use in the GC District in compliance with Section 11-31-31 of the MZO, which includes requirements for the minimum percentage of gross floor area of the building that must be used for commercial uses. Modifications to the commercial floor area and maximum density requirements require approval of a Council Use Permit.

The applicant is requesting a Council Use Permit in order to allow for the development of a multiple story multiple residence, which includes a first-floor parking garage with office space along Main Street to be used by New Leaf.

Section 11-70-6(E) of the MZO, contains Council Use Permit review criteria standards discussed below:

- 1) Demonstrating that the proposed project will advance the goals and objectives of the General Plan and other City policies;

As discussed above, the Proposed Project advances the goals and objective of the General Plan and the West Main Street Area Plan. Furthermore, the project will provide additional affordable housing opportunities for vulnerable populations.

- 2) Demonstrate that the location, size, design, and operating characteristics of the project are consistent with the purpose of the zoning district designation on the property;

The proposed design is consistent with the surrounding properties as well as meeting the overall design intent of a commercial district as well as designed in a way to provide for a transit oriented development.

- 3) Ensuring the project will not be injurious or detrimental to adjacent properties or surrounding areas; and

The Proposed Project will not be injurious or detrimental to adjacent properties or surrounding areas and is consistent with the existing La Mesita Phases 1-3 located directly north and west of project.

- 4) Demonstrating that there are adequate public services and infrastructure to support the development.

There are existing utilities located within Main Street that have sufficient capacity to support the development.

Section 11-31-31(F) of the MZO, contains additional Council Use Permit review criteria for modifications to the residential use in commercial development standards discussed below:

- 1) The use is found to be in compliance with the General Plan, Sub-Area Plans and other recognized development plans or policies, and will be compatible with surrounding uses; and

The Proposed Project is consistent with the intent of the General Plan and is compliant with the West Main Street Area Plan, as well as surrounding uses.

- 2) A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations; and

The Proposed Project has provided a site plan that is compliant with all zoning, building and fire Safety regulations consistent with this staff report.

- 3) A finding that a "good neighbor policy" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses; including measures to assure that commercial activity will remain as a viable activity on this site; and

The Proposed Project is the fourth phase of a Multiple Residence project and will be consistent with the existing "good neighbor policy" of phases one through three.

- 4) Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current City development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines; and

City Staff has reviewed the appropriate plans and finds that the site will be brought into conformance with all City Code, with the deviations provided by this BIZ.

- 5) The overall project conforms to the intent and character of the zoning district and is part of a well integrated mixed-use project.

The Proposed Project is consistent with the intent and character of the zoning district and is designed to commercial standards on the first floor to act as a part of a well-integrated mixed-use project.

Design Review:

The Design Review Board reviewed the subject request at their March 14, 2023, meeting. Staff is working with the applicant to address minor aesthetic comments and recommendations from the Design Review Board that do not impact the site plan.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RM-4-CUP-BIZ & GC-CUP-BIZ La Mesita Phase 1-3	North RM-4-CUP-BIZ & RM-4 La Mesita Phase 1-3 & Single Residence	Northeast RM-4 Single Residence
West RM-4-CUP-BIZ & GC-CUP-BIZ La Mesita Phase 1-3	Subject Property GC/RM-4 Existing vacant building	East GC & RM-4 Del Rio Lodge (Legal Non-conforming)
Southwest (Across Main Street) GC Auto Sales	Southwest (Across Main Street) GC Auto Sales	Southwest (Across Main Street) GC Commercial

Compatibility with Surrounding Land Uses:

A vacant single story structure currently occupies the subject property. North, northwest, and west of the site are Phases 1-3 of La Mesita which is a multiple residence development. East of the site is the existing Del Rio Lodge. South and southwest of the site across Main Street are auto sales dealership. Southeast of the site across Main Street are commercial buildings. The proposed multiple residence development is compatible with the surrounding development and land uses.

School Analysis:

The City provided project details to the Mesa Public School District and requested comment on its potential impact and available capacity. As of the writing of this report, staff has not received a reply from the School District.

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 or registered neighborhoods within one mile of the site.

Staff received one letter in support of the project from a citizen who feels that the project is consistent with the surrounding uses and feels the building will be a great improvement for the area. Staff will provide the Board with any new information during the scheduled Study Session on May 10, 2023.

Staff Recommendations:

Staff finds the Proposed Project meets the intent of the Mesa 2040 General Plan for the reasons set forth in this report, the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO, and meets the review criteria for a Bonus Intensity Zone outlined in Section 11-21-5 of the MZO.

Staff recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of Design Review Case No. DRB22-01345
3. 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.
4. Prior to the issuance of a building permit, record with Maricopa County a cross-access easement with the adjacent property to the west (APN 135-45-136) and north (APN 135-45-137).
5. Compliance with all City development codes and regulations, except the modifications to the development standards approved with this BIZ as shown in the following table:

Development Standard	Approved
<u>Maximum Building Height</u> – <i>MZO Table 11-6-3.A</i>	52 feet
<u>Maximum Lot Coverage</u> – <i>MZO Table 11-6-3.A</i>	85%
<u>Maximum Residential Density</u> – <i>MZO Table 11-6-3.A</i>	56 du/ac
<u>Foundation Base</u> – <i>MZO Section 11-33-5(A)(2)</i> -Exterior Wall without a Public Entrance (adjacent to parking stalls)	Minimum 6 feet wide
<u>Minimum Setback Along Property Lines or Buildings and Parking Areas</u> – <i>MZO Table 11-6-3.A</i> -Front and Street Facing Side: 4-lane arterial (Main Street) -Interior Side and Rear: Adjacent to Non- residential District	10 feet Interior Side: 5 feet total Rear: 20 feet total
<u>Required Landscape Yards</u> – <i>MZO Section 11-33-3(B)</i> - Non-Single Residence Adjacent to Non- Single Residence	10 feet
<u>Private Open Space</u> – <i>MZO Section 11-5-5.A.3</i> -Proportion of Private Open Space	1-bedroom units: 60 square feet per unit Studio units: Zero square feet per unit

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 Citizen Participation Plan

Exhibit 4-Citizen Participation Report