



**PLANNING DIVISION**  
**STAFF REPORT**

**City Council Hearing**

**December 1, 2020**

CASE No.: **ZON20-00398**

PROJECT NAME: **3426 E University**

Owner's Name:	AM Properties & Investments, LLC
Applicant's Name:	Tim Boyle, Tim Boyle Design
Location of Request:	Within the 3400 block of East University Drive (north side). Located west of Val Vista Drive on the north side of University Drive.
Parcel No(s):	140-12-006A
Requests:	Rezone from Multiple Residence 3 (RM-3) to Multiple Residence 3 with a Bonus Intensity Zone overlay (RM-3-BIZ); and Site Plan Review. This request will allow the development of a multiple residence on the site.
Existing Zoning District:	Multiple Residence 3 (RM-3)
Council District:	1
Site Size:	2.3± acres
Proposed Use(s):	Multiple residence
Existing Use(s):	Vacant Single Residence
P&Z Hearing Date(s):	<b>October 28, 2020 / 4:00 p.m.</b>
Staff Planner:	Cassidy Welch, Planner II
Staff Recommendation:	Approval with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **February 7, 1972**, the property was annexed into the City of Mesa and subsequently zoned Single Residence 9 (R1-9) (Ordinance No. 731).

On **July 21, 1986**, the City Council approved and rezoned the site from Single Residence 9 (RS-9) to Multiple Residence 3 (RM-3) to allow an attached single-residence development on the property (Z86-075; Ord. #2105).

## **PROJECT DESCRIPTION**

### **Background**

The applicant is requesting to rezone the subject site from Multiple Residence 3 (RM-3) to RM-3 with a Bonus Intensity Zone (BIZ) Overlay and a site plan review to allow development of 36 multiple residence (townhomes) on the property. The subject property is triangular shaped and located immediately adjacent to a canal to the east of the site. Currently, there is a single residence house on the property. The submitted plan shows the house will be demolished to allow development of the property for the proposed townhomes.

Per Section 11-21-1 of the Mesa Zoning Ordinance (MZO), the purpose of a 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 submitted documents with the application show a unique and innovative design on a uniquely shaped parcel. As part of the request for the BIZ Overlay, the applicant is requesting certain modifications to the City's required development design standards to allow the flexibility in developing the property while ensuring the overall development is innovative and of higher quality.

### **General Plan Character Area Designation and Goals:**

The General Plan Character area designation on the property is Neighborhood Suburban. Per Chapter 7 of the General Plan, the Suburban character type is the predominant neighborhood pattern in Mesa and are primarily single residence in nature. However, as part of a total neighborhood area, the character area may also contain areas of duplexes and other multi-residence and commercial uses along arterial frontages and at major street intersections. In addition, developments within the Suburban character designation are to consist of between two and 12 dwelling units per acre, with higher density allowed along arterial street intersections.

The proposed development of the site for multiple residence conforms to the goals of the Neighborhood Suburban character designation. The use will add to the diversity of housing envisaged in the character area designation. In addition, the design of the site includes pedestrian connections to the adjacent canal and University Drive. The design of the site conforms to the forms and guidelines outlined for such development in the Neighborhood Suburban character area.

Staff reviewed the request and determined it is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

### **Zoning District Designations:**

The request is to rezone the site from RM-3 to RM-3 with a Bonus Intensity Zone (RM-3-BIZ) overlay to allow modifications to certain required development standards on the property. Per Section 11-5-2 of the MZO, a multiple residence use (townhomes) is allowed in the RM-3 zoning district. Per Section 11-5-1 of the MZO, the purpose of the multiple resident zoning district is to provide areas for a variety of housing types.

Airfield Overlay – Mesa Zoning Ordinance (MZO) Article 3, Section 11-19:

Per Section 11-19 of the MZO, the property is located within the Airfield (AF) Overlay District. Specifically, within the Airport Overflight Area Three (AOA 3). The location of the property within AOA 3 is due to its proximity to the Falcon Field Airport. Per Section 11-19 of the MZO, residential land uses are allowed within the AOA 3.

**Bonus Intensity Zone (BIZ) Overlay – MZO Article 3, Chapter 21:**

The subject request includes a BIZ overlay to allow modifications to certain required development standards of the MZO. Per Section 11-21 of the MZO, the purpose of the overlay is to allow greater intensity of development and encourage innovative design and flexibility that creates high-quality development for the site.

Overall, the proposed development complies with requirements of a BIZ as outlined in Section 11-21 of the MZO. Specifically, the request incorporates creative design and connectivity to the adjacent canal located east of the property. The proposed building elevations were also reviewed by the Design Review Board and deemed to be of unique and of higher quality. In sum, the proposed development meets the criteria for a BIZ by providing a distinctive, high quality design that utilizes a distressed and underserved property.

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

*Table 1*

<b>MZO Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Recommendation</b>
<u>Minimum Yard Setbacks –</u> <i>MZO Section 11-5-5 &amp; 11-33-3</i> <i>-Front and Street Facing Side- 4-lane arterial (University Drive)</i>	(building/landscape setback) 20'/20'	(building/landscape) <b>10'/10'</b>	As proposed
<u>Minimum Yard Setbacks –</u> <i>MZO Section 11-33-3</i> <i>-Interior Side (West property line)</i>	(landscape setback) 15'	(landscape) <b>5' Minimum, except the minimum setback is 0 feet on the section shown on the site plan as 0' (i.e. the section that is approximately 250 feet from the right-of-way on University Drive)</b>	As proposed
<u>Building Separation –</u> <i>MZO Section 11-5-5</i> <i>Minimum separation between buildings (2-story)</i>	30'	<b>21' Minimum (as shown on the site plan)</b>	As proposed

<u>Access, Circulation and Parking (Garage frontage limitation- attached garages) - MZO Section 11-5-5</u> Garage doors required to be recessed from upper story living facade	3'	No recess required	As proposed
<u>Required Open Space – MZO Section 11-5-5</u> Above ground private open space	Minimum. 60 SF, and not less than 6' minimum depth	Minimum 60 SF, and min depth of 3 feet	As proposed

As shown on the table above, the applicant is requesting the following modifications from the RM-3 zoning district development standards as outlined in Sections 11-5-5 & 11-33-3 of the MZO:

Front Setback - Building & Landscape from a 4-lane arterial (University Drive): Per Section 11-5-5 of the MZO, the required building and landscape setback along University Drive (i.e. a 4-lane arterial road) is 20 feet. The applicant is requesting a reduction in the required setback from 20 feet to 10 feet. As a mitigation for the reduced setback, the site plan shows buildings angled towards the street with the central amenity area within the development also located along University Drive.

Side Setback - Landscape (west side): Per Section 11-5-5 of the MZO, the required landscape setback along the interior west side of the development is 15 feet. The applicant is requesting to have a minimum setback on the interior west side of 5 feet with the exception of the setback of 0 feet as shown on the site plan. According to the applicant, the reduced setback is needed to accommodate an access drive for the property owner to the west and to allow a turning radius for the internal drive aisle at the 0-foot section.

Building Separation: Per Section 11-5-5 of the MZO, the minimum separation between 2-story buildings on the property is 30'. From the site plan, the minimum distance between the units is 21 feet. The provided building elevation and site plan shows the proposed distance is adequate and will not result in over dominance of garage spaces in the development.

Access, Circulation, and Parking (attached garages): Per Section 11-5-5(B) of the MZO, garage doors below livable space are required to be recessed 3 feet from the upper story façade. The proposed elevations show the upper floor of the buildings are on the same level plane as the garages below the units. According to the applicant, this modification was necessitated due to the modern architectural style of the development that encourages clean and simplistic architectural building lines. As a mitigation for the request, the building elevation also show enhanced garage doors with glass panels that are of superior quality as compared to standard garage doors that are typically of aluminum panels with no windows.

Required Open Space – Above Ground: Per Section 11-5-5(A) of the MZO, above-ground private open space (e.g. Balconies) for multiple residence are required to be a minimum of 60 square feet and not less than 6 feet deep. The applicant is requesting a reduction in the minimum depth of the open space from 6 feet to 3 feet. According to the applicant, the proposed reduction to 3 feet is to address the adjacent property owner's concerns of possible loud noise emanating from

balconies of designed to accommodate larger number of people of space. Overall, the requested reduction still exceeds the minimum private open space requirement through the provision of approximately 200 square feet of private open space per unit on the property.

#### **Site Plan and General Site Development Standards:**

The proposed site plan shows development of a 36-unit multiple residential (townhome) development with primary access from University Drive located on the south of the site. From the site plan, there will be five (5) two-story buildings that consist of 5 to 10 units each. The proposed site plan also shows a uniquely designed buildings that faces a canal located east of the site. The buildings on the east side of the site are designed with direct access to the canal to allow residents to utilize the canal as an amenity for both passive and active activities. Also, the landscape plan provided with the application shows a row of shade trees to be installed along the eastern edge of the development. This is to provide shade for the private yards within the eastern section of the development as well as for pedestrian who may be utilizing the canal. There are also well-designed pedestrian walkways within the development and also along the section of the property adjacent to the canal. There is also a central amenity area proposed with the development. Facilities in the amenity will include a swimming pool, a hot tub, clubhouse, and ramada to be located adjacent to University Drive. Further, the site plan also shows two play areas and a dog park to be located on northern side of the development. Overall, the proposed site plan conforms to the review criteria for Site Plan Review outlined in Section 11-69-5 of the City of Mesa Zoning Ordinance.

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

<b>Northwest</b>  RM-3 Office	<b>North</b>  RM-3 Office	<b>Northeast</b> (Across Canal) RS-9 Single Residential
<b>West</b>  RM-2-PAD & RM-3 Attached Single Residential	<b>Subject Property</b>  RM-3 Single Residential	<b>East</b> (Across Canal) RS-9 Single Residential
<b>Southwest</b> (Across University Drive) RM-4-PAD Attached Single Residential	<b>South</b> (Across University Drive) RM-4 Multiple Residential	<b>Southeast</b> (Across University Drive and Canal) RM-4 Office

#### **Compatibility with Surrounding Land Uses:**

The subject site is surrounded by multiple residence zoning and land uses to the north, west, and south. The proposed multiple residence development will add to the mixture of housing options to serve the surrounding community and will not be out of character with the surrounding developments.

#### **School Impact Analysis:**

<b>Proposed Development (e.g. 36 units)</b>	<b>Name of School</b>	<b>Annual Estimated Demand</b>	<b>Adequate Capacity to Serve</b>
Highland	Elementary	2	Yes
Poston	Middle School	8	Yes
Mountain View	High School	10	Yes

The Mesa Public School District reviewed the request for its potential impact on the existing schools in the area. The school district provided the following analysis:

Comment: Since the number of students expected from this new development are low, the schools will have the capacity to accommodate any additional students.

**Neighborhood Participation Plan and Public Comments:**

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 1,000-feet of the site, as well as HOAs within ½ mile and registered neighborhoods within 1 mile of the site. The applicant held one (1) virtual neighborhood meetings via Zoom on August 6, 2020. From the applicant's submitted report, approximately 10 people attended the neighborhood meeting. The major concerns discussed at the neighborhood meeting related to the proposed development impeding the views of the surrounding residence to the canal and likely noise emanating from the proposed clubhouse. The applicant has addressed adjacent property owner concerns of noise by relocating the clubhouse away from the adjacent property owners to the west.

As of writing this report, staff has received one letter of opposition from a surrounding property owner. The expressed concerns in the letter relates to the proposed land use of multiple residence, the amount of existing multiple residence in the area, and potential increase in vehicular traffic. The Transportation Department has reviewed the request and has not expressed any concerns with increased traffic as a part of the proposed development. The applicant will be providing an updated Citizen Participation Report to staff prior to the October 28, 2020 Study Session. Staff will provide the Board with any new information during the scheduled Study Session.

**Staff Recommendation:**

The subject request is consistent with the General Plan, the purpose for a Bonus Intensity Zone overlay outlined in Section 11-21-1 of the MZO, and meets the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO; therefore, staff recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan submitted.
2. Development must include the common amenities shown on the final site plan submitted, including: a swimming pool, ramada, playground, dog park, and a community amenity building.
3. Compliance with the requirements of Design Review.
4. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner shall execute and record the City's standard Avigation Easement and Release for Falcon Field Airport prior to the issuance of a building permit.
  - b. Prior to the issuance of a building permit, provide documentation that a registered professional engineer or registered professional architect has certified that noise attenuation measures have been incorporated into the design and construction of the buildings to achieve a noise level reduction to 45 decibels as specified in Section 11-19-5 of the Mesa Zoning Ordinance.
  - c. Provide written notice to future property owners that the project is within five mile(s) of Falcon Field.
  - d. Any proposed permanent or temporary structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. An FAA determination notice of no hazard to air navigation shall accompany any building permit application for the property.
  - e. All final subdivision plats and leasing offices shall include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which shall state in part: "This property, due to its proximity to Falcon Field Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
6. Prior to issuance of a building permit, record a cross access agreement with the property owner to the west.
7. All roof access ladders shall be installed within the interior structure of the buildings.
8. Prior to submitting a building permit, the applicant shall submit for review and approval by the Planning Director:
  - a. Plans showing screening of all service entry section (SES) equipment in the development.
  - b. All SES equipment within the development facing a street or public parking areas and are not recessed and/or separated from the street by intervening building(s) shall be screened. The screening devices shall incorporate elements of the building design, such as color, texture, and materials.
  - c. Revised wall elevations for all proposed private yards within the development. The private yard walls shall be no more than six feet in height and include a minimum of 2 feet of view fencing on top of the fence walls.

9. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIZ and shown in the following table:

<b>MZO Development Standards</b>	<b>Approved</b>
<u>Minimum Setbacks - Section 11-5-5 and 11-33-3</u> (building/landscape) <i>4-lane arterial (University Drive)</i>	(building/landscape) <b>10'/10'</b>
<u>Minimum Setbacks - Section 11-5-5 and 11-33-3</u> (landscape) <i>Interior Side (West property line)</i>	(landscape) <b>5' Minimum, except the minimum setback is 0 feet on the section shown on the site plan as 0' (i.e. the section that is approximately 250 feet from the right-of-way on University Drive)</b>
<u>Building Separation – Section 11-5-5</u> <i>Minimum separation between buildings (2-story)</i>	<b>21' Minimum</b> (as shown on the site plan)
<u>Access, Circulation and Parking (attached garages)- Section 11-5-5</u> <i>Garage doors to be recessed from upper story living façade</i>	<b>No recess required</b>
<u>Required Open Space – Section 11-5-5</u> <i>Above ground private open space</i>	<b>60 SF minimum,</b> <b>Minimum depth is 3'</b>

**Exhibits:**

**Exhibit 1-Staff Report**

**Exhibit 2-Vicinity Map**

**Exhibit 3-Application Information**

3.1 Project Narrative

3.2 Site Plan

3.3 Landscape Plan

3.4 Elevations

3.5 Floor Plans

3.6 Citizen Participation Plan

**Exhibit 4-Citizen Participation Report**

**Exhibit 5-Avigation Easement**

**Exhibit 6-Letters of Opposition**