



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**April 7, 2021**

CASE No.: <b>BOA20-00779</b>	CASE NAME: <b>Stalwart Housing DIP</b>
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Owner's Name:	Stalwart Acquisitions, LLC.
Applicant's Name:	Kaelee Wilson, Berry Riddell LLC.
Location of Request:	Within the 1000 block of E. University Drive (south side) and the 300 block of N. Miller Street (east side). Located west of Stapley Drive on the south side of University Drive.
Parcel Nos:	138-20-014F, 138-20-015D, 138-20-021A, 138-20-001, 138-20-019, 138-20-014G, 138-20-014E, 138-20-015C, and 138-20-014C
Nature of Request:	Requesting a Development Incentive Permit (DIP) to allow the development of a multiple residence development in the RM-2 and RM-4 Districts.
Zone District:	Multi Residence Two (RM-2) and Multi Residence Four (RM-4)
Council District:	4
Site size:	2.46± acres
Proposed use:	Apartments
Existing use:	Offices and Church
Hearing date(s):	<b>April 7, 2021 / 5:30 p.m.</b>
Staff Planner:	Kellie Rorex
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **January 5, 1949**, the City Council annexed approximately 2,420± acres, including the subject site, into the City of Mesa and subsequently zoned the property Multiple Residence 4 (RM-4) (Ordinance No. 228).

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting a Development Incentive Permit (DIP) to allow for deviations from certain development standards to develop nine (9) underutilized parcels into a 53-unit multiple residence project, with an associated club house, parking, and landscaping. The DIP request is the first of four steps the applicant will take to develop the site. The site will be going to the Planning and Zoning Board for Site Plan Review, the Design Review Board for review of proposed architecture and landscaping design, and lastly a Lot Combination to combine the nine (9) separate parcels into one (1) lot.

The purpose of a DIP is to provide incentive 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, onsite parking, building height, and other site development provisions contained in the Mesa Zoning Ordinance (MZO). Through the DIP, the applicant is requesting a reduction to the required building and landscape setback along University Drive, a reduction to the foundation base area required between buildings and parking areas, a reduction to the throat depth between parking areas and entry drives into the site, a reduction to the landscape setback along the southern property line, a reduction to the required separation distance between buildings and parking canopies, and a reduction to required building separation.

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

The General Plan Character area designation on the property is Neighborhood with a Suburban Sub-type. Per Chapter 7 of the General Plan, the focus of the Neighborhood Character Area is to provide a safe place for people to live where they can feel secure and enjoy their surrounding community. The Suburban Sub-type, as part of an overall suburban area, may contain duplexes, multiple residence projects, and commercial uses along arterial frontages and at major street intersections. The proposed multi-residence use conforms to the intent of the character area and its sub-type.

The site is also located within the Central Main Street Plan in the Evolution Corridor. The intent of the Evolution Corridor Development Character Type is to decrease the auto-oriented, strip commercial development over time with streetscape and building improvements that enhance the public realm and encourage pedestrian activity. The proposed multiple residence use conforms to the intent of the Evolution Corridor.

### **Site Characteristics:**

The subject site is located on the south side of University Drive, just west of Stapley, and consists of nine (9) separate parcels Zoned RM-2 and RM-4. The future right-of-way (ROW) width required along University Drive is 65 feet. A small portion of the site along University was already dedicated to the City as 65-foot ROW. The applicant requested to purchase back 20 feet of that ROW. The City's Transportation and Real-Estate Department have agreed to vacate the 20 feet of ROW and have worked with the applicant to dedicate 10 feet of the abandoned ROW as a PUFU along University Drive. The formalization of this vacation is in process.

The proposed site plan shows two- and three-story apartment buildings and a clubhouse located on the site. The three-story apartment building will be located immediately adjacent to University Drive and will then step down to a two-story apartment building and a single-story club house. The club house will face onto Miller street, west of the site.

Vehicular access to the site is shown both on Miller Street and University Drive. Parking areas are shown along the south and east sides of the proposed development, with covered spaces throughout the parking area. Per the plan, there will be several pedestrian entryways into the apartment buildings from both University and Miller street.

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

<b>Northwest (Across University) RM-2 and OC Existing Multiple Residence and Office Buildings</b>	<b>North (Across University) OC and RM-4 Existing Offices and undeveloped Land</b>	<b>Northeast (Across University) RM-4 Existing Offices</b>
<b>West (Across Miller Street) RM-2 and RS-9 Existing Church</b>	<b>Subject Property RM-2 and RM-4 Vacant offices and single residence homes</b>	<b>East RM-4 Existing Multiple Residence</b>
<b>Southwest (Across Miller Street) RS-9 Existing Single Residence</b>	<b>South RS-9 Existing Single Residence</b>	<b>Southeast RS-9 Existing Single Residence</b>

**Mesa Zoning Ordinance Requirements and Regulations:**

**Development Incentive Permit (DIP) Section 11-72 of the MZO**

Per Section 11-72-1 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.

Through the DIP, the applicant is requesting a reduction to the required building and landscape setback along University Drive, a reduction to the foundation base area required between buildings and parking areas, a reduction to the throat depth between parking areas and entry drives into the site, a reduction to the landscape setback along the southern property line, a reduction to the required separation distance between buildings and parking canopies, and a reduction to required building separation.

Per Table 11-5-5 of the MZO, the front setback required along a four (4) lane arterial is 20 feet and shall be fully landscaped. The applicants are requesting to deviate from this requirement and provide a ten-foot (10') setback along University Drive. A small portion of ROW along University Drive is in the process of being vacated and purchased by the applicant. In the interim, the

requested setback to the current ROW is two (2) feet. Once the purchase of the ROW is complete, the setback to University Drive will then be increased to 10 feet with the remainder of the building.

The site is within the Central Main Street Plan area and the intent of that area is to provide for pedestrian oriented development. The reduced setback and multiple pedestrian connections to the public sidewalk along University will help contribute to the Central Main Street Area Plan and will be more pedestrian oriented than the standard setback required. Per MZO Table 11-33-3(A)(4) the landscape yard along University Drive is required to have 15 trees; the applicants are proposing 13 trees in this area. In exchange for the reduced number of trees the applicants will be providing larger trees than what is required. Therefore, the reduction should not decrease shading for the cross walk on University as this substitution will provide more shade for pedestrians than the trees that are required by code.

The next deviation being requested is to reduce the required foundation base located between parking areas and the façade with a public entrance. Per MZO Section 11-33-5(A)(1), a 15-foot-wide foundation base shall be provided, measured from the face of building to face of curb along the entire length of the exterior wall. The applicants are requesting to reduce this to a minimum of eight feet (8') with a ten foot (10') average foundation base area around the site. The applicants feel the reduction is justified as there are several entrances to the site from every side of the building and providing 15 feet of foundation base area around the building will take space away from open space for residents and from the parking area.

Per MZO Section 11-32-3(D), multiple residence projects shall provide a minimum of one (1) covered parking space per a unit. The applicants are proposing 53 units and 111 parking spaces, with 56 spaces being covered. Per MZO Table 11-5-5, detached parking canopies should be at least 20 feet away from onsite buildings. If the applicants were to comply with this requirement, they would not be able to provide the required number of covered spaces for the number of units. Additionally, the applicants are requesting a reduction to the required building separation for three-story buildings. Per MZO Table 11-5-5, a three-story building shall be 35 feet away from another building on the site. The applicants are proposing an 18-foot separation between the three-story building and the one-story building on the site. The proposed project is a permitted use in the RM-2 and RM-4 district and is meeting the allowed height.

The applicants are requesting to reduce the landscape setback along the southern property line adjacent to single family residences. Per MZO Table 11-33-3(B), the landscape setback for a non-single residence use adjacent to a single residence use is 20 feet and the applicants are proposing 10 feet. The applicant is requesting this reduction to provide adequate room to provide the required number of parking spaces for the site. Overflow parking was a major concern raised during the applicants' citizen participation outreach. In order to provide the required number of spaces without requesting a parking reduction and risking the potential for overflow into the nearby neighborhood, the applicants suggested reducing the landscape yard to make more room for onsite parking. Furthermore, the applicants are also proposing to reduce the required throat depth of parking spaces located along cross drive aisles to create enough room for the number of spaces required. Per MZO Section 11-32-4(A), parking spaces along main drive aisles connecting directly to a street shall be set back at least 50 feet from the property line. The

applicants are proposing a 20-foot setback from Miller Street and a 30-foot setback from University Drive. Because this is a residential project, queuing into the site will not be as intense and the City's Transportation department has reviewed and approved the reductions. Overall, staff has no concerns with the requested deviations. The applicants have held a neighborhood meeting and have revised the proposal to accommodate neighbors' concerns.

Table 1 below compares Mesa Zoning Ordinance (MZO) requirements, the applicant's proposal and staff's recommendation for the site. Items in bold face type indicate deviation from code requirements:

**Table 1: Development Standards**

<b>Development Standard</b>	<b>MZO Requirement</b>	<b>Applicant Proposed</b>	<b>Staff Recommends</b>
MZO Table 11-5-5: Landscape yard adjacent to an arterial	20 feet	<b>10 feet</b>	As proposed
MZO Section 11-33-3(B): Landscape yard adjacent to single residence	20 feet	<b>10 feet</b>	As proposed
MZO Table 11-5-5: Building setback along an arterial road	20 feet	<b>10 feet &amp; 2 feet (interim condition to the University Drive ROW vacation)</b>	As proposed
MZO Section 11-33-5(A): Foundation base	15 feet along entire building with a public entrance 10 feet along entire building adjacent to parking	<b>8-foot minimum, 10-foot average</b>	As proposed
MZO Section 11-32-4(A): Setback of cross drive aisles	50 feet	<b>20 feet setback from Miller Street</b> <b>30 feet setback from University Drive</b>	As proposed
MZO Table 11-5-5: Proximity of parking canopies to a one-story building	20 feet	<b>9 feet</b>	As proposed
MZO Table 11-5-5: Building Separation	35 feet (for three-story buildings)	<b>18 feet</b>	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 site consists of nine (9) parcels that when combined total 2.46 ± acres and have each been in their 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 in University Drive.**

***The request complies with this criterion.***

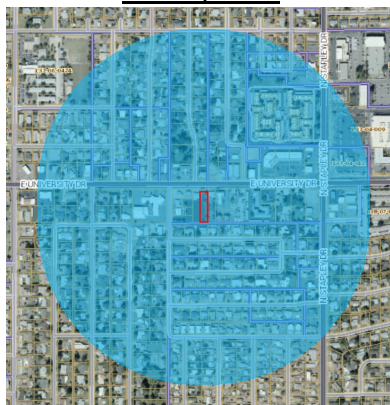
C. SURROUNDING DEVELOPMENT. The parcel is surrounded by properties within a 1,200-foot radius in which:

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 current aerial photography, less than 25% of sites within the 1200-foot radius of the property are vacant. Comparing the 2006 Maricopa County aerial photo with the current aerial photo, it shows more than 50% of the total number of lots were developed more than 15 years ago.**

***The request complies with this criterion.***

1,200-foot buffer current  
aerial photo



2006 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 development is consistent with the General Plan designation for this area of “Neighborhood Suburban” and will provide a mix of housing types.**

***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 incentives will allow for development that is commensurate with existing development within 1,200 feet radius of the property. The proposed modifications allow the applicant to provide the required number of parking spaces for the use as well as provide adequate space between the adjacent single residence and the multi family development.**

***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 project meets the intent of the Design Standards of the Ordinance. The Design Review Board will discuss the project during their April 13, 2021 Work Session and provide a recommendation to staff on the proposed elevations and landscaping. A Site Plan associated with the project will also be reviewed by the Planning and Zoning Board on April 28, 2021.**

***The request complies with this criterion.***

Findings:

- A. The development area consists of nine (9) separate parcels totaling 2.46± acres.
- B. The current configuration for each lot has been the same for more than 10 years.
- C. The site is served by, or has direct access to, existing utilities.
- D. The total developable land area within 1,200 feet of the site is not more than 25 percent vacant.
- E. Greater than 50 percent of lots within 1,200 feet of the site have been developed for more than 15 years.
- F. This requested deviations through the DIP will allow for the development of bypassed parcels.
- G. The proposed development is consistent with the General Plan designation character are of Neighborhood with a Suburban Sub-type.

- H. The requested modifications will result in a development that is commensurate with existing development in the vicinity.
- I. Compliance with Site Plan Review approval (Case# ZON20-00782) and Design Review approval (Case# DRB20-00783) to ensure the level of site improvements, architectural detailing and design elements on the building will meet the intent of the Design Standards of the MZO.
- J. The applicant will combine the lots to create one whole parcel prior to developing the site.

**Neighborhood Participation Plan and Public Comments:**

Prior to the applicant's formal application for a DIP, a virtual neighborhood meeting was held on September 9, 2020. Neighbors within 1,000 feet of the site and registered neighborhoods and HOA's within one (1) mile were invited. Neighborhood concerns included overflow parking into the neighborhood and the height of the buildings. The applicants reduced the number of units originally proposed to allow for more parking on site and stepped down the buildings located closer to the single residence homes. Additionally, the applicant mailed the required notification letters to all property owners within 500 feet of the site. As of writing 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, and therefore recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan 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 ZON20-00782 for site plan approval.
4. Compliance with all requirements of Design Review case, DRB20-00783.

**Exhibits:**

Exhibit 1 – Vicinity Map  
Exhibit 2 – Staff Report  
Exhibit 3 – Narrative/Justification Statement  
Exhibit 4 – Site Plan  
Exhibit 5 – Landscape Plan  
Exhibit 6 – Elevations