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## Western Sun Apartments

### **REVISED SPECIAL USE PERMIT NARRATIVE**

Record ID#: **BOA21-00249**

Submitted: **March 22, 2021** / Revised: **April 7, 2021**

#### **I. Request and Introduction:**

On behalf of our Client, Community Development Partners, Quarles & Brady LLP submits this narrative for a Special Use Permit related to the expansion of a legal nonconforming use to allow for covered parking for the existing Western Sun Apartment rental community (“Western Sun”) located on approximately 3.35 acres at the Southeast corner of Williams Drive and 6<sup>th</sup> Avenue in Mesa (also identified as 615 South Williams Drive; APN 139-56-112A) (the “Property”). See aerial photographs and other Property information attached at **Tab A**. It is important to note the request does not increase the number of units and does not increase the intensity of the use or site in any manner. The requested application is necessary to make updates and improvements to the existing use. Additionally, this location previously and currently provides affordable housing and the improvements will allow for a far better experience for its residents as Western Sun continues to add to the diversity of housing options within the City of Mesa.

Community Development Partners recently purchased the Property, and proposes a number of improvements and upgrades to Western Sun, including covered parking, interior renovation of units and access for compliance with ADA accessibility standards; exterior painting and roof repairs to all buildings; and site improvements to accessible routes, paving, striping, landscaping, lighting, and amenities. Community Development Partners (“CDP”) is a mission-driven organization committed to the development and operation of life-enhancing affordable housing with a focus on long-term community engagement. CDP developments are focused on enhancing whole neighborhoods by incorporating public spaces, cultural and social programming, and robust on-site services from local community partners into their projects. With a process of thoughtful planning, vibrant design, and innovative collaborations, CDP prides itself on a deep commitment to place and people. The CDP team is led by brothers Eric and Kyle Paine who founded CDP in 2011 and have since directly led the development of the organization’s 2,200 units in 26 unique projects across four states. CDP has been developing in Arizona starting in

2012 and some of the most successful and creative projects are located in Mesa, AZ. CDP's El Rancho communities located just east of downtown Mesa along the light rail line are great examples of those successes. The goal of these existing and successful Mesa developments, which consist of two separate but adjacent new construction projects (El Rancho del Arte and El Rancho del Sol), was to celebrate the strong local Latino culture and provide critically needed affordable housing for families with children (earning 40%-60% of the area's median income) with a Transit Oriented Design (TOD), promoting walkable lifestyle and sustainable features. The first phase of the project, El Rancho del Arte, was completed in 2015, and consists of 66 (2 and 3-bedroom) units. El Rancho del Sol was the second phase, completed in 2017, and consists of two 4-story buildings of 47 (2, 3, and 4-bedroom) units. There is an architectural and communal synergy between the two projects, encouraging interaction between the residents. For both projects, CDP worked closely with local artists to create a product that engaged the community in the arts through public art pieces. In addition to the public art elements, there is also a large communal gallery, a flexible studio space for children's after school programming, a community garden, pool, and several other outdoor and indoor community spaces. Onsite services include after-school programming with Cultural Coalition, and community gardening and cooking classes offered through Local First Arizona. El Rancho Del Sol also received LEED Platinum designation.

The Alhambra student housing project in downtown Mesa, AZ is CDP's only non-LIHTC restricted development. The goal was to create a unique student living experience for a small University while also saving one of the oldest buildings within the City of Mesa, AZ by converting a nationally recognized historic hotel into dormitory style student housing. Completed in 2016, the Alhambra Student Housing project brought new life to a brick building from the late 19th century. With years of deferred maintenance, the old Alhambra Hotel was begging for a new life. St. Benedictine University, located 1/4 mile from the Alhambra Hotel, had a need to provide their students with a housing option. The Alhambra Hotel was a perfect fit. By opening the street-facing ground floor and renovating the small hotel rooms into dorm rooms, the University was able to offer over 60 beds to their students with unique study and common spaces. The once barren courtyard was re-designed to offer students an outdoor living room to enjoy the Arizona weather.

## **II. Project Description:**

Western Sun consists of a total of 60 units, which include 2-, 3-, and 4-bedroom units, arranged in 11 one- and two-story residential buildings, plus a combination Leasing Office / Clubhouse building, amenities and open space/common area for resident use. According to Maricopa County Assessor records, Western Sun was constructed in 1990, and is considered a legal nonconforming use due to nonconformance with several development standards as currently required under the existing RM-4 (Multiple Residence; maximum density of 30 d.u./acre) zoning of the Property (those standards not in conformance are noted in **bold**):

<b>Development Standard</b>	<b>RM-4 Zoning District Requirement</b>	<b>Existing Western Sun development standard</b>
Maximum Density	30 d.u./acre	17.9 d.u./acre
Minimum Lot Area / Dwelling Unit	1,452 square feet	2,436 square feet

Maximum Height	40-feet	25-feet
Maximum Lot Coverage	55%	23.4%
Front Yard Setback, Collector Street (6 <sup>th</sup> Avenue)	25-feet	<b>19.53-feet</b>
Front Yard Setback, Local Street (Williams Drive)	20-feet	<b>20.94-feet</b>
Interior Side & Rear Yard Building Setback	15-feet / Story (30-feet total)	<b>13.06-feet (South; 2-story)</b>
Interior Side & Rear Building Setback Adjacent to RS-6 zoning	25-feet	<b>13.06-feet (South; 2-story)</b>
Minimum Landscape Setback Adjacent to RS-6 zoning	20-feet	<b>6-feet, 11-inches (East) 8-feet (South)</b>
Minimum Separation between Buildings on the Same Lot	One-story = 25-feet Two-story = 30-feet	<b>15.87-feet</b>
Minimum Separation for Detached Covered Parking	20-feet	20-feet, 6-inches (as proposed)
Minimum Open Space	150 square feet / unit (9,000 square feet total for 60 units)	150 square feet / unit (9,000 square feet total for 60 units)
Parking – total provided	2.1/unit (126 total spaces)	<b>93 spaces</b>
Parking – Covered Parking	1/unit (60 total)	<b>None existing (56 covered spaces proposed)</b>

We do note that Western Sun does conform to the Mesa General Plan and the land use designation of “Neighborhood.”

The Special Use Permit is sought under the provisions of Chapter 36 of the Mesa Zoning Ordinance, subsection 11-36-7.B (Nonconforming Uses, Structures, and Lots; Alteration and Enlargements to Nonconforming Structures; Alterations and Enlargements that extend into a nonconforming yard) to allow the placement of covered parking consisting of shade canopies over 56 of the existing parking spaces, as depicted on the Site Plan dated March 18, 2021, and attached at **Tab B**. It is important to note that while the City is requiring a Special Use Permit based on the code-based requirements for an expansion of legal non-conforming uses, this request will actually bring the Property closer to conformance with current covered parking standards. As is seen in the attached chart, if Western Sun were built today, the City would request one covered parking space for each unit (60 covered spaces). Therefore, the proposed 56 covered parking spaces will meet the intent and goals of the existing covered parking space requirement.

The proposed canopies are of a steel cantilever style, painted to coordinate with the property color scheme, and have a maximum height of 10-feet, 6-inches. These shade canopies are proposed as part of overall Property improvements under the new ownership as noted above.

Section 11-36-7.B of Chapter 36 of the Mesa Zoning Ordinance, under the provisions for alterations and enlargements that extend into a nonconforming yard, states that such alterations/enlargements as those proposed with the addition of the canopies to existing parking to

create 56 covered parking spaces, may be approved through a Special Use Permit where the alteration or enlargement would not cause any of the following criteria (the criteria are in *italics*, with a response immediately following):

1. *Further reduce any existing nonconforming yard;*

The proposed canopies are for existing parking areas as depicted on the Site Plan, and do not further reduce any nonconforming yard requirements. We note that the existing parking area setbacks are 6-feet, 11-inches along the East, and 8-feet along the South. These existing setbacks will remain with the proposed covered parking canopies.

2. *Exceed applicable building height limits;*

The proposed covered parking canopies, at a maximum height of 10-feet, 6-inches are less than the existing maximum height of 25-feet for the two-story buildings. As noted, none of the proposed upgrades to the property increase the number of units or existing heights of any buildings.

3. *Further reduce existing nonconforming lot coverage or floor area ratio requirements; and,*

As the covered parking is to be placed over existing parking areas, lot coverage will remain at 23.4%.

4. *Increase the required number of off-street parking spaces unless parking is provided under current standards for the addition of the use only.*

The proposed covered parking will not increase the required number of off-street parking spaces. We do note that provided parking will be reduced by one (1) parking space. This is not due to the proposed canopies, but instead necessary in order to comply with the parking and accessible route requirements of the Americans with Disabilities Act (ADA). This will result in a total of 93 provided parking spaces.

In addition, per Section 11-70-5 of the Mesa Zoning Ordinance, a Special Use Permit shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following four (4) criteria (the criteria are in *italics*, with a response immediately following):

- a. *Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;*

The requested Special Use Permit will allow for the renovation of, and improvements to, the existing Western Sun apartments including covered parking, interior renovation of units and access for compliance with ADA accessibility standards; exterior painting and roof repairs to all buildings; and site improvements to accessible routes, paving,

striping, landscaping, lighting, and amenities. These onsite improvement efforts are supported throughout the Mesa 2040 General Plan through the following goals, objectives and policies:

▪ Chapter 4 (Neighborhoods) – Goal: Create and maintain a variety of great neighborhoods:

- Housing P1: Encourage a range of housing options in all areas of the City in order to allow people to stay in their neighborhood as their housing needs change.

The proposed improvements for the existing Western Sun apartments will provide an upgraded housing option for people wishing to continue to live in this area. More specifically, the improvements will allow for the continued availability of 60 affordable housing units in Mesa, thereby ensuring a continued "range of housing options."

- Redevelopment P1: All new developments will be evaluated for consistency with the character area form standards for their area and with criteria listed above for creating great neighborhoods.

We note that although not a new development, the Special Use Permit process follows an evaluation criteria similar for the type of site improvements being proposed for Western Sun apartments. Moreover, the addition of the new parking canopies brings the development into closer conformance with existing standards requiring parking for new developments.

▪ Chapter 7 (Character Areas) – Goal: Foster a development pattern that creates and maintains a variety of great neighborhoods, grows a diverse and stable economy, and develops rich public spaces:

- Character Areas P1: In areas with a Neighborhood character, development will be reviewed for the impact on improving or maintaining the existing neighborhood and achieving the development and design standards for neighborhoods.

As noted above, the proposed interior and exterior improvements for the Western Sun apartments will serve to "maintain the existing neighborhood" and achieve the additional design standard of providing covered parking. This amenity was not contemplated in the original design of the site, leaving existing and past residents without shaded parking. This significant improvement will be a benefit to the community and residents.

- b. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;*

Western Sun Apartments is zoned RM-4, and is designated as “Neighborhoods” character type within the Mesa 2040 General Plan. The proposed upgrades do not change the size, height, density, or intensity of the existing project, which was already in conformance with the Mesa 2040 General Plan.

The purpose of the existing RM (Multiple Residence) zoning district is to “provide areas for a variety of housing types at densities... Appropriate types of dwelling units include small-lot single residences, townhouses, cluster housing, and multiple residence housing...”

The focus of the “Neighborhoods” character type within the Mesa 2040 General Plan 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 and often have associated nonresidential uses...”

Western Sun apartments, as a multi-family residential development, meets the purpose of the existing RM (4) zoning district and also the Neighborhoods character type of the Mesa 2040 General Plan. Additionally, renovation of the existing compatible use is more sustainable and responsible development.

- c. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and,*

Western Sun Apartments has existed within this neighborhood for over 30 years as a significant benefit to the community and as a diverse housing option. The proposed improvements will not be injurious or detrimental to the adjacent or surrounding properties in the area, to the neighborhood or to the general welfare of the City. In fact, the improvements will serve to modernize the existing development and drastically improve the experience and amenities available to Western Sun's residents.

- d. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.*

Adequate public services, facilities and infrastructure already exist for Western Sun Apartment. The proposed renovations and improvements to the Western Sun Apartments will not adversely impact these public services, facilities or infrastructure. Nothing about the proposed improvements will place a greater burden upon existing public facilities and infrastructure.

**III. Conclusion:**

The proposed improvements to the existing Western Sun development, as proposed by Community Development Partners, will be an excellent upgrade to the Property and a greatly improved affordable housing option for City of Mesa residents. The proposed improvements also conform with the goals, objectives and policies of the Mesa 2040 General Plan and the Special Use Permit approval criteria. We thank you for your consideration of our application for a Special Use Permit.

Please let us know of any questions and/or if you need any additional information.