



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

**City Council Hearing**

**October 4, 2021**

CASE No.: **ZON21-00397**

PROJECT NAME: **Stillwater Superstition**

Owner's Name:	Mesa Pavilions Retail LLC & GFI-Mesa Investments Limited Partnership
Applicant's Name:	Brennan Ray, Burch & Cracchiolo, PLC
Location of Request:	Within the 6900 to 7200 blocks of East Hampton Avenue (south side) and within the 1500 block of South Clearview Avenue (west side). Located south of Southern Avenue and east of Power Road.
Parcel No(s):	218-56-569 & -571
Request:	Rezone from Limited Commercial with a Planned Area Development overlay (LC-PAD) to LC-PAD-PAD, Council Use Permit (CUP) and Site Plan Review. This request will allow for a multiple residence development.
Existing Zoning District:	Limited Commercial with a Planned Area Development overlay (LC-PAD)
Council District:	6
Site Size:	17.52 ± acres
Proposed Use(s):	Multiple Residence
Existing Use(s):	Commercial
P&Z Hearing Date(s):	<b>September 8, 2021 / 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 **December 3, 1986**, the City Council approved annexation of 136± acres of property from Maricopa County into the City of Mesa (A86-011; Ordinance No. 2137) and subsequently

assigned a Limited Commercial (LC) zoning district designation on the property (Case No. Z86-124; Ordinance No. 2160).

On **May 4, 1992**, the City Council approved a Development Master Plan overlay (i.e. Superstition Springs) on a 1413± acre property that included the 136± acre property (Case No. Z92-014; Ordinance No. 2693).

On **October 19, 1992**, the City Council approved development of a commercial center (Case No. Z92-046; Ordinance No. 2732) on a 36± acre property that included the subject 17.52± acre property.

On **April 13, 1993**, the City Council approved a site plan modification (Case No. Z93-013; Ordinance No. 2780) to the 36± acre commercial center that included the subject property. The site plan modification was for minor modifications to building sizes and configurations.

## **PROJECT DESCRIPTION**

### **Background:**

Currently, the subject property is vacant and zoned Limited Commercial with a Planned Area Development Overlay (LC-PAD). The applicant is requesting to rezone the property from Limited Commercial with a Planned Area Development overlay (LC-PAD) to LC-PAD-PAD with a Council Use Permit and a site plan to allow development of a 375-unit multiple residence. The 17-acre property is surrounded by a large-scale commercial center to the north and west, office uses to the east, and the US-60 Freeway to the south. The purpose for the Council Use Permit is to allow modifications to the required development standards for development of residential uses in a commercial zone district, as well as increase in the maximum residential density allowed in the LC district for such a development.

The request for a PAD is also to allow certain modifications to the City's development standards on the property. Per Section 11-22-1 of the Mesa Zoning Ordinance (MZO), the purpose of a PAD overlay is to allow modifications to certain required development standards to permit innovative design and flexibility that creates a high-quality development for the site. The submitted application documents, including the building elevations and site plan, show the proposed development will be unique and consists of innovative design standards such as using high-quality façade building materials and incorporating common open space areas within the development that exceeds the City's standard requirements.

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

The General Plan character area designation on the property is Mixed Use Activity District with a Regional Scale sub-type. Per Chapter 7 of the General Plan, the Mixed Use Activity District is a large scale (typically over 25 acres) community and regional activity area that usually has a significant retail commercial component including shopping areas such as malls, power centers, or lifestyle centers that are designed and developed to attract customers from a large radius. These districts often include other uses such as offices, entertainment and residential. Per Chapter 7 of the General Plan, the goal of the Regional Scale sub-type is to provide a location for businesses and attractions that brings people to Mesa from the larger region. Per the

General Plan, the goal of the district is to help create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences.

Per Chapter 7 (pg. 7-22) of the General Plan, a minimum of 70% of the total Mixed Use Activity District character area shall be reserved for primary zoning designations and uses. These primary designations shall include commercial zoning districts, such as the Office Commercial (OC), Limited Commercial (LC), General Commercial (GC), Mixed Use (MX), Planned Employment Park (PEP) and Infill Incentive District 2 (ID-2). The minimum percentages of the zoning can be met with a combination of the above listed zoning districts or the entire area may be zoned under one primary zoning district. In addition to the zoning requirements, the General Plan also outlines the minimum and maximum percentages of primary and secondary land uses allowed in the Mixed Use Activity District character area designation. Per this requirement, the maximum allowed secondary land uses for Multiple Residential is 30%. However, per Chapter 7 (pg. 7-2 & 7-5) the City Council has the discretion to allow modifications to the required percentages. The General Plan also allows evaluation of the existing surrounding development to be considered for conformance to the required land use percentages of the character area. The subject request, being zoned entirely Limited Commercial (LC) to allow the development of Multiple Residence, conforms to the intent of the Mixed Use Activity District considering the development of the surrounding properties is largely commercial and also adds to the goals of revitalizing the area and providing much needed population to support existing developments.

#### **Zoning District Designations:**

The subject property is currently zoned Limited Commercial with a Planned Area Development overlay (LC-PAD). The subject request is to rezone the property from the existing LC-PAD to a new Planned Area Development overlay with a Council Use Permit to allow the proposed development on the property. Per Table 11-6-3 of the MZO, multiple residence is allowed in the LC district subject to certain standards outlined in Section 11-31-31 of the MZO, such as maximum allowed residential density and minimum required commercial floor area within a development. Per Section 11-31-31(E) of the MZO, a proposed development may be allowed through approval of a Council Use Permit (CUP) to modify the required development standard for residential uses in a Commercial District.

#### **Airfield Overlay – 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 the AOA 3 is due to its proximity to the Phoenix-Mesa Gateway Airport. Per Section 11-19 of the MZO, residential land uses are allowed within the AOA 3.

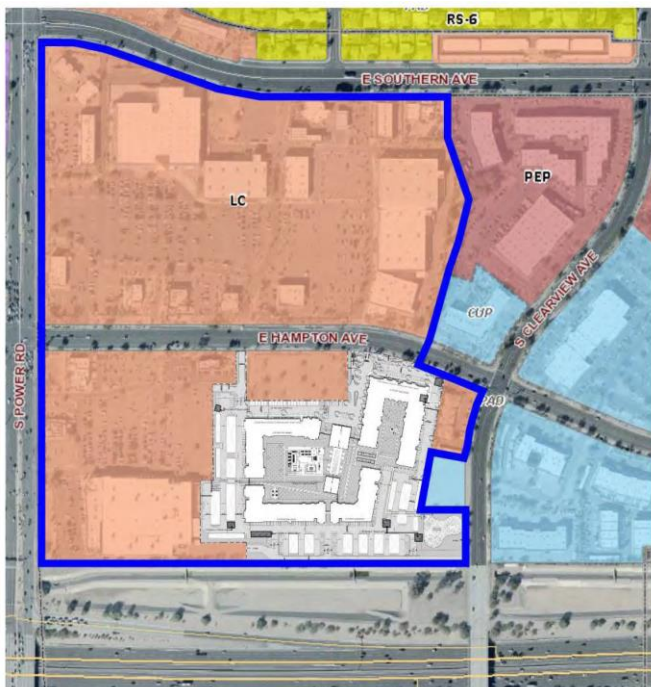
#### **Council Use Permit:**

Per Table 11-6-2 of the MZO, multiple residence is permitted in the LC zoning district subject to conformance with outlined requirements in Section 11-31-31 of the MZO. Per Section 11-31-31(A) of the MZO, a project with multiple story buildings may include residential if: 1) a minimum of 60 percent of the gross floor area (GFA) of all buildings within a project is reserved for commercial uses; and 2) a minimum of 65 percent of the ground floor of each multi-story

building is reserved for commercial uses. Per Section 11-31-31(E) of the MZO, modifications to the commercial floor area requires approval of a Council Use Permit.

The applicant is requesting to allow development of the property with no commercial uses. According to the applicant, the subject development should be considered within the context of the overall surrounding developments and zoning designations. Currently, a majority of the property is developed as a commercial center and zoned as Limited Commercial with a Planned Area Development. From the submitted documents with the application, the proposed development on 17-acres constitutes approximately 27.6 percent of the overall 60.27 acres of commercial uses surrounding the property and less than 40 percent of the maximum area allowed for residential uses (see Figure 1). Also, per Chapter Seven (page 7-5) of the General Plan, a proposed development within an existing development area may be allowed to utilize existing surrounding land uses to meet the required minimum land uses. Per the Plan, a minimum of 70% of the total area shall be reserved for primary land uses. Further, the City Council may also approve deviations to the required minimum and maximum land uses if approval of the proposed development will still further and achieve the intended goals of the character area. According to the applicant, approval of the subject development will help revitalize the area and provide the needed population to support the existing commercial uses.

*Figure 1:*



The proposed development is required to conform to the criteria for approving a CUP outlined in Sections 11-31-31(F) and 11-70-6 of the MZO. These requirements include showing that the proposed project will advance the goals and objectives of the General Plan and other city policies, and 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 CUP is also required to show that approval of the project will not be injurious or detrimental to

adjacent properties or surrounding areas, and there is adequate public services and infrastructure to support the development.

The proposed development conforms to the criteria for approving a CUP outlined in Sections 11-31-31(F) and 11-70-6 (D) of the MZO. The size, shape, and characteristics of the development shown through the site plan and building elevations demonstrate conformance with the purpose of the LC zoning district, including providing a high-quality multiple residence use to support existing commercial development. The proposed development also conforms with the goals of the General Plan including the Mixed Use Activity District, as the development will help create a viable and sustainable development within an area that is ripe for revitalization. The submitted plan, as also modified with the PAD, demonstrate compliance with all zoning, building, and fire safety regulations.

**Planned Area Development Overlay:**

The subject request includes a PAD overlay to allow modifications to certain required development standards of the MZO. Per Section 11-22 of the MZO, the purpose of the PAD overlay is to allow innovative design and flexibility that creates high-quality development for the site. Overall, the proposed development complies with requirements of a PAD as outlined in Section 11-22 of the MZO by incorporating high-quality development design standards such as increased open space areas and high-quality building elevations with a clean, simplistic form and quality building materials.

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

*Table 1: Development Standards*

<b>MZO Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Recommendation</b>
<u>Maximum Building Height</u> – MZO Section 11-6-3	30 feet	<b>58 feet</b>	As proposed
<u>Building Setbacks</u> – MZO Section 11-6-3 - Interior Side and Rear, Adjacent to Non-residential District, 1-story (west property line)	15 feet	<b>10 feet</b>	As proposed
- Interior Side and Rear, Adjacent to Non-residential District, 1-story (east property line)	15 feet	<b>10 feet</b>	
<u>Required Landscape Yards</u> – MZO Section 11-33-			

<b>3(B)(2)(a)</b> -Non-single residence uses adjacent to non- residential districts and/or uses - North interior property line - West property line - South property line - East property line	15 feet  15 feet 15 feet  15 feet	<b>7.5 feet</b>  <b>8 feet</b> <b>5 feet</b>  <b>10 feet</b>	As proposed
<u>Required Parking Spaces –</u> MZO Section 11-32- 3(A) - Multiple Residence	2.1 spaces per unit	<b>1.57 spaces per unit</b>	As proposed
<u>Maximum Fence Height –</u> MZO Section 11-30- 4(B)(1)(a) - Fence or freestanding wall within or along the exterior boundary of the required front yard	3.5 feet	<b>6 feet</b>	As proposed

As shown on the table above, the applicant is requesting modifications from the LC zoning district standards outlined in Section 11-6-3, 11-33-3, 11-32-3 and 11-30-4 of the Mesa Zoning Ordinance.

Maximum Building Height:

Per Section 11-6-3 of the MZO, the maximum building height in the LC zoning district is 30 feet. The applicant is requesting a height increase from 30 feet to 58 feet. According to the applicant, the requested height increase is to accommodate the proposed increased density that is needed for the development. Also, the requested height will allow the unique building design and roof forms proposed with the development to create a superior building elevation to contribute to the overall quality of the development.

Required Interior Building Setbacks:

Per Section 11-6-3 of the MZO, the minimum building setback for a one-story structure adjacent to non-residential districts/uses is 15 feet. A minimum 15-foot building setback is required along the west and east property lines for the proposed vehicular covered parking structures. The applicant is requesting a reduction of the building setback from 15 feet to 10 feet. According to the applicant, the requested setback reduction for the parking structures is

mainly to enhance the compatibility between the existing commercial developments to the east and west of the subject property. Specifically, the reduced building setback shows the cohesiveness of the development with the surrounding existing developments.

**Required Landscape Setbacks:**

Per Section 11-33-3(B)(2)(a) of the MZO, a 15-foot landscape setback is required along all interior boundaries of the property adjacent to the existing non-residential properties, including interior property lines adjacent to future development parcels as shown on the site plan.

The applicant is requesting a reduction to the required setbacks to the north, west, east and south boundaries of the property. Specifically, a reduction from 15 feet to 7.5 feet on the north interior property line, from 15 feet to 8 feet on the west property line, from 15 feet to 5 feet on the south property line, and from 15 feet to 10 feet on the east interior property line. According to the applicant, the requested reductions are to create a cohesive development with the surrounding commercial property. The site plan also shows the building facing the future commercial area will be designed to engage the adjacent site through the placement of private open space and pedestrian connections.

**Required Parking Ratio:**

Per Section 11-32-3(A) of the MZO, 2.1 parking spaces per unit is required for multiple residence developments. Based on this requirement, a minimum of 788 spaces is required for the proposed development of 375-units. The applicant is requesting a reduction of the parking ratio from 2.1 space per unit to 1.57 spaces per unit, which equates to providing a total 613 parking spaces. Per the submitted plans, the proposed parking ratio is consistent with other multiple residence developments approved in various areas within the Metro Area that are located in a similar mixed-use environments. In addition, according to the applicant, the location of the proposed development within an existing commercial center typically generates less demand for parking spaces.

**Maximum Fence Height in Front Yards:**

Per Section 11-30-4(B)(1)(a) of the MZO, the maximum height of fences or walls allowed within or along the boundary of the front yard of the property is 3.5 feet. Based on this requirement, the maximum fence height allowed on the development adjacent to Hampton Avenue is 3.5 feet. The applicant is requesting to construct a 6-foot fence along Hampton Avenue. According to the applicant, the requested height increase is to allow a consistent fence design and height along the boundary of the site. Per the submitted building and wall plan elevations, the proposed 6-foot fence adjacent to Hampton Avenue will be constructed as a view fence and consist of metal mesh materials that allow the public to see through the fence.

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

The proposed site plan shows development of a 375-unit multiple residence development with primary vehicular access located on Hampton Avenue to the north of the property and two secondary vehicular access located on Hampton and Clearview Avenues. Clearview Avenue is located to the east of the property. Overall, the site plan shows proposed development of three multiple residence buildings on the property. Two of the proposed buildings will be

developed as three-story buildings, and the third building will be constructed as a four-story building. The proposed site plan also shows development of a centrally located common open space and amenity area with amenities that includes a swimming pool, a spa area, a clubhouse, a fitness center, and an outdoor kitchen area. There is also a proposed secondary amenity area to be located on southeast corner of the development. The amenity area will mainly be used as a dog park to serve the needs of residents. The site plan also shows pedestrian path connections between the development and the existing commercial center to the west, as well as to potential future commercial developments to the north of the property. Currently, the property to the immediate north is vacant.

#### **Design Review:**

The Design Review Board is scheduled to review the subject request on September 14, 2021. Staff will be working with the applicant to address any comments and recommendations from the Design Review Board.

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

<b>Northwest</b> (Across Hampton Avenue) LC-PAD Commercial	<b>North</b> (Across Hampton Avenue) LC-PAD Commercial	<b>Northeast</b> (Across Hampton Avenue) LI-PAD-CUP Vehicle Sales
<b>West</b> LC-PAD Commercial	<b>Subject Property</b> LC-PAD Commercial	<b>East</b> LC-PAD & LI-PAD Offices & Vacant
<b>Southwest</b> (Across US-60 Freeway) LC-PAD Commercial	<b>South</b> (Across US-60 Freeway) LC-PAD Commercial	<b>Southeast</b> (Across US-60 Freeway & Clearview Avenue) RS-6-PAD Single Residence

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

The subject property is currently developed with a vacant building that was formerly occupied and used as a K-Mart retail building. The site is surrounded by a commercial center to the west and north. The US-60 freeway abuts the property to the south. There is a vacant undeveloped parcel to the north, along Hampton Avenue. Overall, the proposed development of the property for multiple residence will help attract new residents to the area and provide additional population to support the existing commercial development. Also, the proposed development conforms to the goals of the Mixed Use Activity District and the LC zoning designation to provide a strong viable areas that are sustainable. Overall, the proposed development will be compatible to the surrounding community and help enhance the appearance of the immediate vicinity.



**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 neighborhood within 1 mile of the site. The applicant held one (1) virtual neighborhood meeting on July 8, 2021. According to the applicant, one neighbor attended the meeting and had questions regarding shared parking agreements. According to the documents submitted, the applicant responded that there are no current parking agreements but they are open to sharing parking in the future.

As of writing this report, staff has not received any comments from surrounding property owners. The applicant will be providing an updated Citizen Participation Report to staff prior to the September 8, 2021 Study Session. Staff will provide the Board with any new information during the scheduled Study Session.

**School Impact Analysis:**

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:

<b>Proposed Development (395 units)</b>	<b>Name of School</b>	<b>Annual Estimated Demand</b>	<b>Adequate Capacity to Serve</b>
Wilson	Elementary	2-4	Yes
Fremont	Middle School	5-9	Yes
Skyline	High School	4-6	Yes

**Economic Analysis:**

Economic Development supports this request. Repurposing the long-vacant big box retail building and under-performing retail center with a quality, multi-family residential development will enhance the long-term success of the surrounding retail in the area. In addition, it will provide another modern housing option closer to the workplace of those employed at nearby hospitals and in the growing southeast Mesa employment corridors.

**Staff Recommendation:**

The subject request is consistent with the General Plan, the purpose for a Planned Area Development overlay outlined in Section 11-22-1 of the MZO, meets the criteria for a Council Use Permit outlined in Section and Site Plan Review outlined in Section 11-69-2 of the MZO; therefore, staff recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan and wall plan submitted.
2. Compliance with all requirements of Design Review.
3. Prior to the issuance of a building permit, record a new subdivision plat for the subject

parcels.

4. Compliance with all requirements of the Subdivision Regulations.
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 Phoenix-Mesa Gateway 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 5 mile(s) of Phoenix-Mesa Gateway Airport.
  - d. Due to the proximity to Phoenix-Mesa Gateway Airport, any proposed permanent, or temporary structure, as required by the FAA, 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. If required, an FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance.
  - 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 Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
6. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with the PAD overlay and shown in the following table:

<b>MZO Development Standards</b>	<b>Approved</b>
<u>Maximum Building Height</u> – MZO Section 11-6-3	<b>58 feet</b>
<u>Building Setbacks</u> – MZO Section 11-6-3 - Interior Side and Rear, Adjacent to Non-residential District, 1-story (west property line) - Interior Side and Rear, Adjacent to Non-residential District, 1-story (east property line)	<b>10 feet</b>  <b>10 feet</b>
<u>Required Landscape Yards</u> –	

<p><i>MZO Section 11-33-3(B)(2)(a)</i></p> <p>-Non-single residence uses adjacent to non-residential districts and/or uses</p> <ul style="list-style-type: none"> <li>- North interior property line</li> <li>- West property line</li> <li>- South property line</li> <li>- East property line</li> </ul>	<p><b>7.5 feet</b></p> <p><b>8 feet</b></p> <p><b>5 feet</b></p> <p><b>10 feet</b></p>
<p><u><i>Required Parking Spaces –</i></u></p> <p><i>MZO Section 11-32-3(A)</i></p> <p>- Multiple Residence</p>	<p><b>1.57 spaces per unit</b></p>
<p><u><i>Maximum Fence Height –</i></u></p> <p><i>MZO Section 11-30-4(B)(1)(a)</i></p> <p>- Fence or freestanding wall within or along the exterior boundary of the required front yard</p>	<p><b>6 feet</b></p>

### **Exhibits:**

**Exhibit 1-Staff Report**

**Exhibit 2-Vicinity Map**

**Exhibit 3-Application Information**

- 3.1 Site Plan and Wall Plan
- 3.2 Commercial Context Plan
- 3.3 Grading and Drainage Plan
- 3.4 Landscape Plan
- 3.5 Elevations
- 3.6 Narrative
- 3.7 Citizen Participation Plan

**Exhibit 4-Citizen Participation Report**

**Exhibit 5-Avigation Easement**