



## Planning and Zoning Board

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### *Case Information*

**CASE NUMBER:** Z14-029 (PLN2014-00052)  
**LOCATION/ADDRESS:** 1008, 1058, 1060 and 1102 W. McLellan Road. East of the southeast corner of the 202 Red Mountain Freeway and Alma School Road.  
**GENERAL VICINITY:** Located east of Alma School Road and north of McLellan Road.  
**REQUEST:** Rezone from RS-43 to RSL-4.5 PAD and consider the preliminary plat for "Riverview Village".  
**PURPOSE:** This request will allow the development of a single-residence small-lot subdivision.  
**COUNCIL DISTRICT:** District 1  
**OWNER:** Ray & Ada Ison, Denvon & Mona Rogers and Mortgages LTD 401K Plan/G A Libling-Mark Winkleman  
**APPLICANT:** Dennis Newcombe, Beus Gilbert PLLC  
**STAFF PLANNER:** Lisa Davis

### **SITE DATA**

**PARCEL NUMBER(S):** 135-07-003M, 135-07-014A, 135-07-016C, 135-07-016D, 135-07-022 and 135-07-024  
**PARCEL SIZE:** 13± acres  
**EXISTING ZONING:** Maricopa County RU-43  
**GENERAL PLAN DESIGNATION:** Medium Density Residential 4-6 du/acre  
**CURRENT LAND USE:** Mostly vacant with three houses adjacent to McLellan Road. Two houses are occupied and one is abandoned.

**STAFF RECOMMENDATION:** Approval with Conditions

**P&Z BOARD RECOMMENDATION:** ☒ Approval with conditions. ☐ Denial

**PROPOSITION 207 WAIVER SIGNED:** ☒ Yes ☐ No

### **HISTORY/RELATED CASES**

**April 21, 2014:** City Council meeting release of blank petitions for annexation cases A14-03, total of 6.9 acres, and A14-04, total of 5.8 acres.  
**May 5, 2014:** City Council introduction of ordinance for annexation case A14-04.  
**May 19, 2014:** On City Council agenda for adoption of ordinance for annexation of case A14-04.

## SITE CONTEXT

**NORTH:** Existing 202 Red Mountain Freeway  
**EAST:** Existing single residences – zoned RS-9 (Colony by the Greens)  
**SOUTH:** (across McLellan Road) Existing single residences – zoned RS-6 (Fairway Gardens)  
**WEST:** Existing single residence - zoned Maricopa County RU-43

## PROJECT DESCRIPTION/REQUEST

The subject site is located east of Alma School Road and north of McLellan Road. The 13 ± acres is currently in Maricopa County jurisdiction and is currently going through the process of being annexed into the City of Mesa, A14-03 and A14-04. The companion case Z14-035 will comparatively zone the site from Maricopa County RU-43 to City of Mesa RS-43. The applicant is requesting to rezone approximately 13± acres from RS-43 to Residential Small Lot 4.5 (RSL-4.5) and site plan review to consider the preliminary plat for the development of a 73-lot, single residence subdivision named “Riverview Village.” The proposed density of the development is 5.7 du/acre. The main access into the subdivision is provided off of McLellan Road. A second exit only access is provided to McLellan at the eastern portion of the site.

The streets within the subdivision will be 29-foot wide private drives, sidewalks will occur on one side of the street. On-street parking will be allowed on one side of the street. The proposed minimum lot size within the subdivision is 4,050 SF with an average lot size of 4,500 SF with homes anticipated to range in size from 1,475 SF to 2,535 SF

## RESIDENTIAL SUBDIVISION DESIGN:

	Min. Lot Size Min. Dimensions	Min. Front Setback	Min. Side Setbacks	Min. Rear Setback	Rear Yard Patio setback
<b>RSL-4.5 Standards</b>	4,000 SF 4,500 SF (avg) 45' x 90' (corner lot width 45')	15' - Building Wall 10' - Porch 20' - Garage	10' - Street Side 4.5' - Minimum 10' - Total	20'	20'
<b>Proposed</b>	4,000 SF 4,500 SF (avg) 40' x 90' (corner lot width 40')	10' - Building Wall 8' - Porch 18' - Garage	5' - Street Side 4' - Minimum 10' - Total	15'  10' for lots 13- 27 & 27	10'  2' for lots 13-17 & 27

## SUBDIVISION DETAILS:

Street System	Fences/Walls	Open Space	Other
Private streets	6' CMU perimeter wall	Centralized common open space.	-HOA -CC&Rs

## MODIFICATIONS

The applicant has also requested a Planned Area Development (PAD) overlay. In a PAD, variations from conventional development requirements may be authorized by the City Council when projects offer amenities, features or conditions that compensate for such variations. This development does not meet all of the development standards for the RSL-4.5 zoning district, as indicated by the preceding table. The applicant is seeking a number of modifications to the code as it relates to setbacks for the products on the lots as well as width

for corner lots. At this time the plan shows all corner lots at 45', therefore the requested deviation from code, which was not supported by staff, is not needed.

Staff has noted since first review of the project that the proposed deviations from required setbacks would not be supported. There are a total of seven products (three single-story and four two-story houses) with floor plans and typical plot plans provided in the project narrative. In comparing the proposed products and the typical lot size of 45' x 100' all products would fit on the lots meeting all code required setbacks. In order to provide for needed variation, staff would support an encroachment of the rear patio up to 10' to the rear property line. This is consistent with the RS-6 zoning district allowances for patio encroachments. The largest house, plan 3595 may not fit on all lots; however, it will fit on most of the lots meeting standard setbacks.

Lots 13 through 18 are proposed at 90' deep, which prove to be the catalyst for the proposed deviations in setbacks. The applicant has indicated that the constraint of the existing property limits these lots to the 90' depth. As designed it would be difficult to maintain all required setbacks for these six lots. Therefore, staff would support a reduced rear yard setback in this area, ten foot for single story and 15' for two-story. Patio covers would not be allowed to encroach no more than 7' from the rear property line. In exchange staff would suggest increasing the width of these six lots to provide future property owners additional outdoor space that is lost in the rear yard. The loss of one lot in the area will probably be required to achieve this.

Additionally, the narrative indicates that in order to address concerns of the existing adjacent neighbors six of the lots (shown as 16, 17, 21, 22, 26 and 27) will be limited to single-story homes.

The applicant is also requesting a PAD in order to facilitate the use of a private drive within the Subdivision. The zoning code requires that all developable parcels must have frontage on a public right of way, unless modified through the approval of a PAD. The proposed 29' private drive will be recorded as a separate tract on the subdivision plat and will be designated for access to the lots within the subdivision.

### **NEIGHBORHOOD PARTICIPATION**

The applicant has provided a Citizen Participation Report that summarizes outreach efforts to inform neighboring property owners of the project, solicit feedback, and address any comments or concerns that may arise. The applicant held two neighborhood meetings, the first on February 26, 2014 and the second on May 7, 2014. The initial notification included all property owners within 1,000 feet, registered neighborhoods and HOAs within 1 mile of the site. There were twenty-one neighboring property owners in attendance at the first meeting. The Citizen Participation report summarizes the concerns/comments expressed at the meeting. The first plan included more lots along with a minor general plan amendment application for increased density. Neighbors were concerned with this request. Neighbors also expressed concern for two-story houses along the east property line and reduced, 10', rear yard setbacks. All other comments/questions were general in nature. The second meeting, held on May 7, 2014, had fifteen neighbors attend. Overall neighbors were pleased that the minor general plan amendment request to increase density in the area was no longer part of the application. The decrease in the number of lots proposed from 78 to 73 addressed a number of concerns.

Staff received an email from DJ Stapley of the Mesa Grande Community Alliance, forwarded from the applicant. In it he is praising the applicant for the changes made to the plan and the new open space design. He was pleased that the pool was eliminated and a loop open

space system that will be better utilized by families was designed within the project.

### **CONFORMANCE WITH THE GENERAL PLAN**

This request is within an area designated as Medium Density Residential 4-6 (MDR 4-6 du/ac) on the Land Use Plan map from the Mesa 2025 General Plan. It identifies locations where suburban density detached or attached single-family residential is desirable. The target density for these areas is 5.0 du/ac. Appropriate locations offer collector road access, connections to potable water and sanitary sewer, and proximity to public safety services. The provision of park and open space (15 percent of net area excluding street system) is encouraged to provide opportunities for recreation and non-vehicular pedestrian connections like pathways, trails, etc.

The proposal is in conformance with the MDR 4-6 General Plan designation.

### **SCHOOLS**

Response from Mesa Public Schools: The new residential development, "Riverview Village", is in the Whitman Elementary, Carson Junior High and Westwood High school attendance areas. The projected number of elementary students that it will produce is 14 to 26, junior high students 5 to 9, and senior high students 5 to 9. There is no concern of overcrowding at these schools.

### **STAFF ANALYSIS**

#### **SUMMARY:**

This is a request to rezone a 13± acres parcel from RS-43 to RSL-4.5 PAD to facilitate the development of a 73-lot, single-residence, small-lot subdivision. The request also includes the review and consideration of the Preliminary Plat for the subdivision under the plat name of "Riverview Village."

The subject parcel is a primarily vacant property flanked to the north by the Red Mountain 202 Freeway, to the south and east by existing single-residence subdivisions and the west by an existing residential home on a large lot within the Maricopa County jurisdiction. There are currently two occupied houses, one abandoned house and one previously razed house concrete pad. The applicant is proposing a density of 5.7 du/acre which meets the high end of the density range for the General Plan designation of Medium Density Residential 4-6 du/acre; 5.0 is the target density.

Based on the future plans for development for the area, staff anticipates the 4.5± acres at the northeast corner of Alma School and McLellan (the area immediately west of this property over to Alma School Road) to develop into one commercial corner. Based on the small size of this potential commercial corner the intensity of the commercial site will be limited. Staff has some concern that the shallow depth of the lots on the west side will not provide sufficient buffer from this future commercial use.

The applicant has indicated that the site has proved to be difficult to design. The design challenges include:

- An existing 25' underground water line easement along the north property line.
- The two properties adjacent to McLellan that are not a part of the project and needed to be designed around.
- The shape of the site that leads to a point at the northeast corner.

Within the constraints the developer designed a standard subdivision design with standard conventional house plans. The only difference is the size of the lots. Although the density and lot sizes are appropriate for the site, it does not create the flexible innovative design inspired for the Planned Area Development.

The 25' underground easement area at the north property line is included in the open space calculations although this area is limited to low level landscape material and cannot be utilized as a retention basin. In addition, the perimeter walls cannot cross the easement as indicated on the wall plan. A removable type gate can be investigated through the Subdivision Technical Review.

In reviewing the overall plan as previously noted the lots and layout are typical or conventional. Although the site plan indicates 21% of open space, the underground easement has limited usability and landscape material. In addition, the overall open space is designed behind and to the side of lots within the project. Staff has commented since the beginning about fronting lots on the open space to provide natural surveillance and begin to create spaces that the community would naturally gather. The applicant is confident that this is the best type of open space with lots backing to the large open space and with partial view fence at the rear will provide for the natural surveillance. It is important to note that lot 73 and lot 64 could have potential design issues. Lot 73 will be facing the main entrance gates and may have conflict with the driveway on the lot with the gate. Lot 64 has a notch out of the rear of the lot to accommodate for the 25' underground easement. This is an area that will be a trash collector and a hidden space with no natural surveillance. These items can be worked through at Subdivision Technical Review.

Within the open space design there are two identified active open space areas. The first just north of lot 63 is called out as a tot lot with seating area. The second is north of lots 28 and 29 with amenities called out as a BBQ and picnic tables. Staff would suggest shade structures to be added to these areas. The tot lot could contain a shade structure as shown in the pictures provided as examples within the narrative. The BBQ and picnic table area should also include a shade structure which could occur in the form of a ramada. Shade structures are essential in making these opens space areas truly useable and a place to hang out and start to create the place for the community to start to congregate.

In review of the housing product design for the project it is apparent that there is a lack for quality in design. The elevations provided are standard type products. In order to provide distinctive variation and appropriate proportions, Staff has added a condition of approval requiring Administrative Product Approval by the Planning Director. During that review, staff will continue working with the applicant to ensure high quality elevations.

The subdivision design meets the development standards for the RSL-4.5 zoning district with the exception of corner lot width, 40' requested 45' required, and the numerous setback modifications requested through the PAD overlay. The applicant is proposing a private drive in lieu of a public street system. The approval of the private drive is to facilitate the reduced street width to 29'.

#### **CONCLUSIONS:**

This request is in conformance with the General Plan, and can meet the majority of the development standards for the RSL-4.5 zoning district, and justifies the modifications to the requested deviations of code through the PAD overlay. Therefore, Staff recommends approval of Z14-029 with the following conditions of approval:

**CONDITIONS OF APPROVAL:**

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape exhibits and preliminary plat submitted, (without guarantee of lot yield, building count, or lot coverage). **Project narrative to be revised and resubmitted to reflect the conditions listed below.**
2. **Minimum lot size shall be 45' x 90' for all lots.**
3. **Minimum rear yard setback shall be 20'. A patio cover may encroach into the rear yard setback up to 10' from the property line except as modified below.**
4. **Lots 13 through 18, indicated as 90' in depth shall be increased a minimum of 5' to make the lots 50' wide to accommodate for the reduced rear yard setbacks.**
5. **Lots 13 through 18 are allowed a reduced rear yard setback of 15' for two-story and 10' for single story. Any attached open patio for houses on these lots shall maintain a setback minimum of 7' from the rear property line.**
6. **Two covered parking spaces shall be provided on each lot to meet minimum code requirements. Parking on the driveway will not be considered meeting parking space requirements.**
7. **Lots 16, 17, 21, 22, 26 and 27 indicated on the site plan are limited to single-story homes. No two-story products shall be built on these lots.**
8. **There is a 96" Water Transmission Main in a 25' PUE along the north property line that is jointly owned by City of Mesa and City of Phoenix. No encroachments into this PUE will be allowed, this includes retention basins and walls. The 25' PUE must remain clear and have all-weather access per the City of Mesa Engineering Design Standards. Any landscaping proposed must comply with the City of Mesa Engineering Design Standards. Per the City of Mesa Design Standards Manual, trees cannot be located within 5' of the water main as measured from the base of the tree to the outside of the water.**
9. **Trash barrel pad locations shall be no more than 75' from the unit utilizing the pad, particularly dead end streets. Designate area for trash cans to be placed for pick up days for lots 3 & 4.**
10. **A minimum of two shade structures shall be added to the open space design. One over the proposed tot lot and one adjacent to the picnic and BBQ area to provide shaded seating areas. Shade trees shall be placed in areas to create additional shade areas within the overall open space design.**
11. **No two identical elevations are permitted on adjacent lots or on lots across from each other.**
12. **Provide additional detailing to the elevations to increase the quality of the development. Residential product shall be reviewed and approved Administrative Product Approval by the Planning Director.**
13. **Compliance with all City development codes and regulations.**
14. **Dedicate the right-of-way 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 of dedication whoever comes first.**
15. **All street improvements, street frontage landscaping, and perimeter theme walls to be installed with the first phase of development.**
16. **Compliance with all requirements of the Subdivision Technical Review Committee.**
17. **Compliance with all requirements of the current City of Mesa Engineering and Design Standards Manual.**
18. **View fences shall comply with the City of Mesa pool fence barrier regulations.**