

Items on the Consent Agenda

- *3-b ZON24-00756 "Dixon Property,"** 2.5± acres located approximately 1,100 feet south of the southeast corner of East McKellips Road and North Val Vista Drive. Rezone from Single Residence-35 (RS-35) to Single Residence-35 with a Bonus Intensity Zone Overlay (RS-35-BIZ) for the development of one single residence. Eric and Jentry Dixon, Owners; Sean Lake / Sarah Prince, Pew & Lake PLC., Applicant. **(District 2)**

Planner: Jennifer Merrill

Staff Recommendation: Approval with conditions

Summary:

Staff Planner Jennifer Merrill presented case ZON24-00756. See attached presentation.

The following citizens offered a series of comments in opposition to ZON24-00756.

- Barbara Markoski, a Mesa resident
- Melanie Alarcio, a Mesa resident
- Andrew Gutierrez, a Mesa resident

Applicant Sean Lake responded by explaining that they understand the neighbors' concern about the irrigation valve, which is currently leaking. Mr. Dixon has agreed to relocate and repair the valve at his own expense, closer to the private drive, and will work with the neighbors to ensure they still have access to it. Regarding cross access, Mr. Dixon is willing to sign an agreement with the neighbors, but it's important that the neighbors to the south also agree in order for it to be effective. Mr. Dixon has been proactive in being a good neighbor, offering to share costs for repaving the road and widening the curb cut for better access. He is committed to improving the situation and working cooperatively with the neighbors.

Boardmember Carpenter asked for clarification on the new valve location in relation to the proposed wall.

Mr. Lake explained that the new valve will be located inside the proposed wall, but a gate will be provided to allow access to the valve.

Planning Director Mary Kopaskie-Brown added that this will not be a public street, it is private making access concerns a private matter as well.

Staff Planner Jennifer Merrill explained that under the City's process, land splits are required to go through an administrative review by the planning department. However, this particular landlocked parcel was recorded by the county without undergoing the City's review process.

Boardmember Peterson summarized his thoughts by stating that as an RWCD customer myself, I believe, as discussed earlier, that working with neighbors to resolve issues usually leads to a good outcome. Based on our previous discussion,

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the items under the Board's review are in order. Some matters need to be resolved directly between the neighbors, but as far as our review is concerned, I am satisfied with the proposal.

It was moved by Boardmember Peterson, seconded by Boardmember Carpenter, that ZON24-00756 be approved.

The Board recommends to approve case ZON24-00756 conditioned upon:

1. Prior to the issuance of a building permit, record a cross-access easement for both parcels (APN Nos. 141-30-014L and 141-30-014N).
2. 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.
3. All off-site improvements and street frontage landscaping must be installed in the first phase of construction.
4. Prior to the issuance of a building permit, obtain approval of an encroachment permit for the existing wall located within the public right-of-way.
5. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner must execute the City's standard Avigation Easement and Release for Falcon Field Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b. Due to the proximity to Falcon Field 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. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.
 - c. Prior to the issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.
 - d. Provide written notice to future property owners that the project is within one mile of Falcon Field Airport
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must 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. Compliance with the Building Form Standards outlined in Chapter 5 of the Zoning Ordinance as well as the Residential Development Guidelines.
7. Prior to the issuance of a building permit, apply for and receive approval for a lot split that conforms to the property lines shown on the submitted site plan.
8. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIIZ overlay as shown in the following table:

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Development Standards	Approved
<u>Minimum Lot Width – Interior Lot –</u> <i>MZO Table 11-5-3.A.1</i>	20 feet (Lot 2)
<u>Detached Accessory Building or Structures</u> – <i>MZO Section 11-30-17(B)(2)(e)(i)</i> -Greater than 200 square feet; equal to or less than 15 feet (interior side setback)	1 foot (adjacent to south property line of Lot 1 only)
<u>Fences and Freestanding Walls –</u> <u>Maximum Height</u> – <i>MZO Section 11-30-4(A)(1)</i> -Front Yards	No opaque or non-transparent fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 7 feet.

Vote (4-0; Vice Chair Pitcher, Boardmember Montes and Boardmember Farnsworth, absent)

Upon tabulation of vote, it showed:

AYES – Ayers, Pitcher, Peterson, Montes, Blakeman, Carpenter, Farnsworth

NAYS – None

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