



## Planning and Zoning Board

### *Staff Report*

**CASE NUMBER:** ZON18-00980  
**LOCATION/ADDRESS:** Within the 2600 block of North Power Road (east side).  
**GENERAL VICINITY:** Located south of McDowell Road on the east side of Power Road.  
**REQUEST:** Rezoning from RM-3-PAD to RM-3-PAD; and Site Plan Review; also consider the preliminary plat for "Springs at Red Mountain"  
**PURPOSE:** This request will allow for a multi-residence development.  
**COUNCIL DISTRICT:** District 5  
**OWNER:** Timothy Tyson, Aquila Las Sendas, LLC  
**APPLICANT:** Continental 452 Fund, LLC  
**STAFF PLANNER:** Wahid Alam, AICP Planner II

#### SITE DATA

**PARCEL NO.:** 219-25-941  
**PARCEL SIZE:** 10.43± acres  
**EXISTING ZONING:** RM-3-PAD  
**GENERAL PLAN CHARACTER:** Mixed Use Activity District  
**CURRENT LAND USE:** Vacant

#### SITE CONTEXT

**NORTH:** Existing Albertson's shopping center- zoned LC  
**EAST:** (across CAP canal and 202 Red Mountain Freeway) Red Mountain Park.  
**SOUTH:** Existing single residence homes- zoned RS-9  
**WEST:** (across Power Road) Existing single residence homes - zoned RS-6

#### HISTORY/RELATED CASES

**February 18, 1986:** Annexed into City of Mesa (A86-18, Ord. No. 2041)  
**July 7, 1986:** Establish City Zoning, rezone from Maricopa County R1-35, R1-35 (conceptual C-2), R1-15, R1-9 and C-2 (Z86-070; Ord. No. 2103)  
**December 17, 1990:** Approved a rezoning and site plan review for a master plan development (Z90-030, Ord. No. 2578)  
**August 29, 2005:** Site plan review for retail, office and residential condominium (Z05-079, Ord. No. 4454).

**STAFF RECOMMENDATION:** Approval with conditions.

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

**PROPOSITION 207 WAIVER SIGNED:**  Yes  No

### **PROJECT DESCRIPTION / REQUEST**

The applicant is requesting to rezone the property from RM-3-PAD to RM-3-PAD and a Site Plan Review to allow a multiple-residence development. On August 29, 2005, the city rezoned the property from R1-35 DDMP to RM-3 PAD, C-1 PAD, Site Plan Review. The purpose of the PAD was to allow the development to consist of retail/office and residential condos. The current request for a PAD is to create new development standards from those previously approved on the property, as well as approved a new site plan. The proposed site shows the development will consists of seven apartment buildings (3 two-story and 4 three-story) for a total of 192 units.

### **NEIGHBORHOOD PARTICIPATION:**

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 1000' of the site, as well as HOAs within half a mile radius and registered neighborhoods within a mile. The applicant also held neighborhood meetings on September 5, 2018 and October 3, 2018.

As of writing this report, staff has been contacted by one neighboring resident to express concerns with potential traffic congestion at the entrance of LA Fitness and Power Road located west of the site. According to the resident, there are already issues with current traffic conditions at the entrance of LA Fitness and Power road that could be worsened by the proposed development. The applicant will be providing an updated Citizen Participation Report prior to the March 19, 2019 Study Session. Staff will provide an update of any new information during the scheduled Study Session.

### **STAFF ANALYSIS**

#### **MESA 2040 GENERAL PLAN:**

Staff reviewed the subject request and determined it is consistent with the criteria for review outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. The property is designated as a Mixed-Use Activity District with a sub-type designation of Community Scale subtype. Per Chapter 7 of the Mesa General Plan, the primary goal of this character type is to provide high quality opportunities for commercial and entertainment activities consistent with the needs of today's consumer. Typical uses include attached single residence and multi residential in conjunction with other commercial and employment uses.

The subject request is for the development of an apartment complex that is surrounded by existing commercial and residential homes which conforms to the goals of the mixed-use activity character area designation. The proposed site plan also shows the pedestrian and vehicular connectivity between the development and the surrounding non-residential uses.

#### **ZONING:**

The zoning designation on the property is RM-3-PAD. The purpose of the rezoning request is to include a PAD overlay on the property to create new development standards to replace the existing PAD. Per Section 11-5-2 of the MZO, multi-residence developments are allowed in the RM zoning district.

**PAD OVERLAY**

The proposed development conforms with development standards of the RM-3 zoning designation, except required setbacks along the eastern property boundary. There is a canal adjacent to the eastern property boundary. Section 11-5-5-A.2 and Section 11-33-3.B.2 of the MZO requires a minimum landscape and building setback of 15 feet along property lines that abuts a canal. The proposed site plan shows a 10 feet setback from the property line abutting the canal, and requesting the PAD overlay to allow such reduction in setbacks.

Per Section 11-5-5.C.1 of the MZO, a minimum of 15,888 square feet of private open space is required with the development. The site plan shows development of 24,874 square feet of private open space. This proposed open space exceeds the minimum required open space area for such a development. Overall, the minimum required open space for both common and private open space is 33,600 Square feet. The site plan shows a proposed total open space of 126,368 square feet, which exceed the required minimum total open space.

Because of the adjacent canal to the east of the site, which serves as additional buffer to the development, the proposed reduction in the required landscape buffer should not be detrimental to development of the property and the goals for requiring such a buffer.

**SITE PLAN REVIEW - MZO Section 11-69-5:**

The site plan conforms with the review criteria outlined in Section 11-69-5 of the MZO. Access to the site will be through an existing shared driveway access from Power Road located west of the property. The plan also shows an emergency access through the adjacent Albertson's grocery store to the north. There will be several amenities to support the development. The site plan shows a proposed club with amenities including a swimming pool, a kitchen, an outdoor grilling area, a fitness center, and a fire pit and pergola area. In addition, the plan shows other amenities such as a walking trails to be constructed along the perimeter of the site, a car care area, a pet wash station, etc.

The application documents and site plan shows a chain link fence along the section of the property abutting the canal to the east. Although there is no restriction about chain link fence, for the long-term durability of the project, staff suggests replacing the chain link fence with wrought iron fence (See condition number 5).

**PRELIMINARY PLAT:**

The request includes a preliminary plat titled "Springs at Red Mountain". Section 9-6-2 of the Mesa Subdivision standards requires approval of all subdivision plats located in the City to be processed through four progressive stages. The first stage of the review is Pre-Submittal. Review and approval of a preliminary plat is the second stage in the series of the progressive stages. The preliminary plat is reviewed and approved by the Planning and Zoning Board. All approved preliminary plats are subject to potential modifications through the City's Subdivision Technical Review process, which is the third stage after approval of the preliminary plat. The Subdivision Technical Review process considers the overall design of the subdivision and details, such as utilities layout, ADA compliance, detention requirements,

etc. This process could sometimes results in modification to lot size and configuration that could result in reduction of the approved lots.

**CONCLUSION:**

It is staff determination that the request conforms with the General Plan, review criteria for a PAD Overlay outlined in Chapter 22 of the MZO, and Site Plan Review outlined in Chapter 69 of the MOZ; therefore, staff recommends approval with the following conditions:

**CONDITIONS OF APPROVAL:**

1. Compliance with the final site plan and preliminary plan submitted.
2. Compliance with all City development codes and regulations; except as modified by the PAD to reduce the landscape and building setback along the eastern property boundary from 15-feet to 10-feet.
3. Compliance with all requirements of Design Review.
4. Compliance with all requirements of the Subdivision Regulations.
5. Install a wrought iron fence with a pedestrian access gate along the eastern property boundary.