



PLANNING DIVISION
STAFF REPORT

City Council

September 9, 2024

CASE No.: **ZON23-00369**

PROJECT NAME: **Culver Garden Estates**

Owner's Name:	BFH GROUP LLC
Applicant's Name:	David Bohn
Location of Request:	Within the 8600 block of East Culver Street (north side) and within the 8600 to 8800 blocks of East Nance Street (south side). Located south of McDowell Road and east of Hawes Road.
Parcel No(s):	219-31-001F, 219-31-001Q
Request:	Rezone from Single Residence-35 (RS-35) to Single Residence-35 with a Planned Area Development Overlay (RS-35-PAD).
Existing Zoning District:	RS-35
Council District:	5
Site Size:	5.3± acres
Proposed Use(s):	Single Residence
Existing Use(s):	Vacant
P&Z Hearing Date(s):	August 14, 2024 / 4:00 p.m.
Staff Planner:	Sean Pesek, Senior Planner
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote: 6-0)
Postposition 207 Waiver Signed:	Yes

HISTORY

On **April 18, 2002**, the City Council approved the annexation of 5.3± acres, including the project site, and established comparable zoning of Single Residence 35 (R1-35) (now RS-35) (Ord. 3973, Case No. Z03-042, Ord. 4122).

On **August 14, 2024**, the Planning and Zoning Board recommended that City Council approve the Proposed Project with Conditions (Vote 6-0).

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the project site from Single Residence-35 (RS-35) to Single Residence-35 with a Planned Area Development overlay (RS-35-PAD) to allow for a six-lot single residence subdivision (Proposed Project).

The 5.3± acre project site is currently vacant and located on the north side of East Culver Street and south side of East Nance Street.

General Plan Character Area Designation and Goals:

The General Plan Character Area designation on the property is Neighborhood with a Desert Uplands Sub-type. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community.

The Desert Uplands Sub-type is a low-density residential area committed to the preservation of the natural desert landscape. The Desert Uplands Sub-type can have either large lots with preservation of natural landscape on each lot, or smaller lots with common open space to maintain a low-density character.

Staff reviewed the 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 Proposed Project is consistent with the intent of the Neighborhood character area.

Zoning District Designation:

The Proposed Project includes a request to rezone the project site RS-35 to RS-35-PAD. Per Section 11-5-1 of the Mesa Zoning Ordinance (MZO), the purpose of the Single Residence zoning district is to provide areas for single residence housing at densities of up to seven units per acre.

Single Residence is permitted within the RS-35 district.

Surrounding Zoning Designations and Existing Use Activity:

Northwest Maricopa County R1-35 Single Residence	North RS-35-PAD Single Residence	Northeast RS-35-PAD Single Residence
West Maricopa County R1-35 Single Residence	Project Site RS-35 Vacant	East RS-35-PAD Single Residence
Southwest (Across Culver Street) R1-18 Single Residence	South (Across Culver Street) R1-18 Single Residence	Southeast RS-35-PAD Single Residence

Compatibility with Surrounding Land Uses:

The Proposed Project is surrounded on all sides by single residence uses. Property to the west and south is zoned Maricopa County R1-35 (equivalent to Mesa RS-35) and R1-18 (equivalent to Mesa RS-15). Property to the east and north is zoned RS-35-PAD and developed as a single residence subdivision.

The Proposed Project is consistent with existing development in the surrounding area.

PAD Overlay Modification – MZO Article 3, Chapter 22:

The Proposed Project includes a Planned Area Development overlay (PAD) to allow for modifications to certain required development standards of the MZO.

Per Section 11-22 of the MZO, the purpose of the PAD overlay is to permit flexibility in the application of zoning standards and requirements where it can be demonstrated that the proposed development provides equivalent or superior standards in a creative way to meet the intent of the underlying zoning district and general plan and it allows innovative design and flexibility that creates high-quality development for the site.

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

Table 1: Development Standards

MZO Development Standards	MZO Required	PAD Proposed	Staff Recommendation
<u>Lot Frontage on a Public Street</u> – <i>MZO Section 11-30-6(H)</i>	Each lot shall have frontage on a dedicated public street	Each lot shall have frontage on a private street	As proposed
<u>Minimum Lot Area</u> – <i>MZO Table 11-5-3</i>	35,000 square feet	34,166 square feet	As proposed
<u>Minimum Lot Width – Interior Lot</u> – <i>MZO Table 11-5-3</i>	130 feet	Lot 1: 46 feet Lot 2: 62 feet	As proposed

Lot Frontage on a Public Street:

Per Section 11-30-6(H) of the MZO, every lot shall have frontage on a dedicated public street unless the lot is part of an approved Planned Area Development (PAD).

The applicant is requesting private streets that will comply with City of Mesa Fire, Solid Waste, and Transportation Department standards and requirements.

Minimum Lot Area:

Per Table 11-5-3 of the MZO, the minimum lot size in the RS-35 district is 35,000 square feet.

The applicant is requesting a minimum lot size of 34,166 square feet, which impacts lots 1,3, and 5. Per the project narrative, the reduction in lot size is needed to accommodate the proposed private street, Tract A, which is 24-feet-wide.

Minimum Lot Width:

Per Table 11-5-3 of the MZO, the minimum interior lot width in the RS-35 zone is 130 feet.

The applicant is requesting a minimum interior lot width of 46 feet for lot 1 and 62 feet for lot 2. While the minimum width is being reduced, the overall width for each lot complies with the minimum set forth in the MZO. This deviation is being requested due to the rules of measurement for irregular lots outlined in Section 11-2-3.

Justification:

Per the project narrative, the minor code deviations are justified by preserving significant aspects of the natural character of land. According to the landscape plan, 17 Palo Verde trees and 16 Saguaro cacti will be preserved, supporting soil stabilization and surrounding wildlife. Each lot will maintain the maximum 50% disturbance area, as required by the Desert Uplands standards.

The Proposed Project complies with the requirements of a PAD outlined in Section 11-22-1 of the MZO.

Desert Uplands:

The Proposed Project is located within the Desert Uplands, an area within the City with unique subdivision regulations which preserve the natural desert landscape. Preservation can be achieved by keeping a certain percentage of each lot in its natural desert condition, or by creating smaller clusters of lots that maintain a significant area in its natural state.

The required percentage of preservation, also known as the maximum building envelope, is determined by the total Natural Area Open Space (NAOS) will be identified at the time of issuance of building permits.

School Impact Analysis:

The Mesa Public School District reviewed the request for its potential impact on the district and indicated that the existing schools in the area have capacity to serve the anticipated students.

Table 2: School Impact Analysis

Proposed Development (6 lots)	Name of School	Annual Estimated Demand	Adequate Capacity to Serve
Zaharis	Elementary	1-2 students	Yes
Fremont	Middle School	1 student	Yes
Red Mountain	High School	1-2 students	Yes

Neighborhood Participation Plan and Public Comments:

As part of the completed Citizen Participation Process, the applicant mailed notification letters to property owners within 1,000 feet of the site, Homeowner Associations (HOAs) within ½ mile of the site, and registered neighborhoods within one mile of the site and conducted a neighborhood meeting on July 1, 2024, with six citizens in attendance. Topics raised by neighbors were: (1) proposed density; (2) the types of homes that will be built; and (3) natural desert vegetation preservation. Responses to these discussion points are referenced in the Citizen Participation Report.

At the August 14, 2024 Planning and Zoning Board meeting one member of the public was present to express their opposition to the project. The concerns were related to night sky and access to the site. The site will be required to meet the City of Mesa lighting requirements and in Desert Uplands, street lighting is discouraged. As it relates to access to the site, the applicant has yet to determine if the project is gated; this will be reviewed during permit review.

Staff Recommendation:

The Proposed Project is consistent with the Mesa 2040 General Plan, the review criteria for a Planned Area Development Overlay outlined in Section 11-22-1 of the MZO. Staff recommends approval with the following **Conditions of Approval:**

1. Compliance with the Preliminary Plat submitted.
2. Compliance with the Subdivision Regulations.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for any building permit, at the time of recordation of a subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Prior to the issuance of a building permit, obtain approval of and record a final subdivision plat for the subject parcels.
5. Prior to issuance of a building permit, obtain approval of an Administrative Review for product approval of the proposed homes.

6. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD and shown in the following table:

Development Standards	Approved
<u>Lot Frontage on a Public Street –</u> <i>MZO Section 11-30-6(H)</i>	Each lot shall have frontage on a private street
<u>Minimum Lot Area –</u> <i>MZO Table 11-5-5</i>	34,166 square feet
<u>Minimum Lot Width – Interior Lot –</u> <i>MZO Table 11-5-5</i>	Lot 1: 46 feet Lot 2: 62 feet

Exhibits:

- Exhibit 1 - Presentation
- Exhibit 2 - Ordinance
- Exhibit 3 - Ordinance Map
- Exhibit 4 - Vicinity Map
- Exhibit 5 - Site Plan
- Exhibit 6 - Minutes
- Exhibit 7 - Submittal Documents