



**PLANNING DIVISION
STAFF REPORT**

City Council Hearing

April 20, 2019

CASE No.: **ZON19-00687**

PROJECT NAME: **Kearney and Vanderkooi Project**

Owner's Name:	Sikora Holdings LLC
Applicant's Name:	Welker Development Resources
Location of Request:	Within the 1800 block of North Val Vista Drive (east side). Located south of McKellips Road on the east side of Val Vista Drive.
Parcel No(s):	141-30-014M
Request:	Rezoning from Single Residence 35 (RS-35) to RS-35 with a Bonus Intensity Zone Overlay (BIZ). This request will allow for the development of a single-residence subdivision. Also consider the preliminary plat for "KV Estates".
Existing Zoning District:	Single Residence 35 (RS-35)
Council District:	5
Site Size:	3.47 ± acres
Proposed Use(s):	Single-Family Residential
Existing Use(s):	Vacant
P&Z Date(s):	March 25, 2020 / 4:00 p.m
Staff Planner:	Ryan McCann
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

HISTORY

On **February 18, 1980**, the City Council approved annexation of the property into the City of Mesa with a comparable zoning designation of Single Residence 35 (R1-35) (Case No. Z80-017, Ord. No. 1313).

PROJECT DESCRIPTION

Background

The subject request is to allow the development of a two-lot single-residence subdivision on a vacant parcel. The applicant is requesting to rezone the site from Single Residence 35 (RS-35) to Single Residence 35 with a Bonus Intensity Zone Overlay (RS-35-BIZ). The purpose for the BIZ overlay is to allow the lots to front a private street and also modify the required rear yard setback along the northern property line of the site. Per Section 11-30-6(H) of the Mesa Zoning Ordinance, all lots shall have frontage on a dedicated public street unless the development is part of an approved BIZ.

General Plan Character Area Designation and Goals

The subject site is located in the Neighborhood character area designation with a Citrus sub-type. Per Chapter Seven (7) of the Mesa 2040 General Plan, this character type is characterized as having large lots with single-residence homes surrounded by citrus trees and other large-leaf foliage and trees planted along the streets (pg. 7-6). In addition, the Mesa 2040 General Plan highlights several sub-areas of Mesa that exhibit a unique character or history. The goal of these sub-areas is to promote Mesa's identity by encouraging the revitalization, preservation or development of these community sub-areas throughout the city. The Citrus area has been designated as a special sub-area of Mesa with an associated Sub-Area Plan. Per the Sub Area Plan, the purpose of the Sub-Area is to provide for estate-type residential uses and characteristics associated with large lot, residential development. The intent of the district is also to encourage further transition to urban-type single residence uses from large lot, semi-rural, residential. Further, the Citrus Sub-Area Plan intends that the rural citrus character of the area be maintained as much as it is feasible and new developments should be compatible with existing custom-build homes and citrus style landscaping.

Page 15 of the Citrus Sub-Area Plan outlines guidelines for citrus preservation and planting for residential lots. Per standards outline in the plan, residential developments are required to preserve two (2) rows of citrus along arterial streets, one (1) row of citrus trees planted along the side and rear property lines, and a minimum of four (4) citrus trees in the front area of the lot. The proposed landscape plan submitted with the request shows preservation of existing citrus trees on the site which is consistent with the guidelines from the subarea plan. The existing vacant lot is a citrus grove. The applicant is proposing to preserve 2 rows of citrus along Val Vista and the east property line, one row along the north and south property lines, and 4 rows between the proposed houses.

The requested zoning and preliminary plat complies with the residential development guidelines outline in the Citrus Sub-Area Plan. These guidelines state that all new residential development within the sub-area should be on RS-35 zoned lots and the City should promote and encourage custom home development. The applicant is proposing custom home lots that meet the minimum size requirements for the RS-35 zoning district.

Zoning District Designations:

Per Section 11-5-2 of the Mesa Zoning Ordinance (MZO), the proposed use of the property for single residential uses is allowed in the RS-35 zoning designation.

Airfield Overlay – Mesa Zoning Ordinance (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 AOA 3 is due to its proximity to the Falcon Field Airport. Per Section 11-19 of the MZO, the AOA 3 area has no restrictions for residential uses. The City’s Falcon Field staff reviewed the subject request and had no concerns with the proposed development.

Bonus Intensity Zone (BIZ) Overlay District – MZO Article 3, Chapter 21:

The purpose of this request for a BIZ overlay is to allow modifications to certain required development standards on the property. Per Section 11-21-1 of the MZO, the overlay is also to allow greater intensity of development and encourage unique, innovative developments of superior quality.

Table 1 below shows the MZO required standards, the applicant’s proposed BIZ standards, and staff recommendations:

Table 1

Development Standard	Required RS-35	Proposed RS-35 BIZ	Staff Recommendation
Rear setback (north property line)	30’	10’	As proposed
Lots and subdivision (street frontage)	Every lot shall have frontage on a dedicated public street unless the lot is part of an approved Bonus Intensity Zone	The applicant is proposing to construct a private street within the development and have the proposed lots frontage along the private street	As proposed

Setbacks:

Per section 11-5-3 of the MZO, the required rear yard setback in the RS-35 district is 30’. The applicant is requesting the rear setback to be 10’ along the north property line (this is a reduced setback of 20’). The proposed setback reduction along the northern section of the property will be similar to the side yard setback of the adjacent property to the north. The adjacent property to the north has frontage on Val Vista Drive and has its side yard setback on the section of the property abutting the northern section of the subject property. The proposed rear yard setback reduction will be consistent with the side yard setback of the section of the property abutting the subject property.

Lots and Subdivisions:

Per section 11-30-6(H) of the MZO, every lot shall have frontage on a dedicated public street unless the lot is approved through a Bonus Intensity Zone (BIZ) to allow private street system

within the proposed development. The proposed BIZ will allow both of the proposed lots to have legal frontage along the planned private street.

The proposed development conforms to the criteria for a BIZ. Per Section 11-21 of the MZO, the purpose of a BIZ is to encourage unique, innovative developments of superior quality. The configuration of the proposed two lots to face the internal street system with enhance interaction of the residents and strengthen the community, the size of the proposed lots also exceed the minimum required lot in the RS district. The site plan shows the minimum lot to be ±59,482 square feet. Such large lots will allow adequate areas on the property to be utilized as open space and landscaping areas. The preservation of the Citrus trees on the property further enhance the superior nature of development conforming to the standards for a BIZ.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across Val Vista) RS-35 PAD Residential</p>	<p>North RS-35 Residential</p>	<p>Northeast RS-35 Residential</p>
<p>West (Across Val Vista) RS-35 PAD Residential</p>	<p>Subject Property RS-35 Vacant</p>	<p>East RS-35 Residential</p>
<p>Southwest (Across Val Vista) RS-35 PAD Residential</p>	<p>South RS-35 Residential</p>	<p>Southeast RS-35 Vacant</p>

Compatibility with Surrounding Land Uses:

The subject site is adjacent to single family homes on RS-35 zoned lots. The proposed use will be compatible with the surrounding single family dwelling and uses.

Preliminary Plat:

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. 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 sometimes results in modification to lot sizes and configuration which may result in reduction of the number of approved lots.

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

neighborhoods within one mile of the site. As of writing this report, neither the applicant nor staff has received any comments/concerns from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session on March 25, 2020.

Staff Recommendations:

The subject request is consistent with the General Plan and meets the review criteria for Bonus Intensity Zone Overlays outlined in Section 11-21-5 of the MZO; Therefore, staff recommends Approval of the request with the following condition:

Conditions of Approval:

1. Compliance with the landscape plan submitted.
2. Compliance with the preliminary plat submitted.
3. Compliance with all requirements of the Subdivision Regulations.
4. Compliance with all City development codes and regulations, except as modified in Table 1 in the staff report.
5. 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.
6. 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 Falcon Field Airport prior to the issuance of a building permit.
 - b. Any proposed permanent or temporary structure 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. An FAA determination notice of no hazard to air navigation shall accompany any building permit application for the property.
 - c. 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.
 - d. Provide written notice to future property owners that the project is within 1 mile of Falcon Field Airport.

Exhibits:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Site Plan
- Exhibit 4 – Grading and Drainage
- Exhibit 5 – Landscape Plan
- Exhibit 6 – Narrative
- Exhibit 7 – Citizen Participation Plan
- Exhibit 8 – Citizen Participation Report