



**PLANNING DIVISION
STAFF REPORT**

City Council Hearing

April 20, 2020

CASE No.: ZON19-00706	PROJECT NAME: DeRoche Estates
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Owner's Name:	Nu Sash Investments LLC.
Applicant's Name:	Eric DeRoche
Location of Request:	Within the 2400 to 2500 blocks of North Val Vista Drive (east side) Located south of McDowell Road on the east side of Val Vista Drive.
Parcel No(s):	141-27-001S
Request:	Rezoning from Single Residence 35 (RS-35) to RS-35 with a Planned Area Development Overlay (PAD). This request will allow for the development of a single-residence subdivision. Also Consider the preliminary plat for "DeRoche Estates".
Existing Zoning District:	Single Residence 35 (RS-35)
Council District:	5
Site Size:	5 ± acres
Proposed Use(s):	Single-Family Residential
Existing Use(s):	Vacant
P&Z Hearing Date(s):	March 25, 2020 / 4:00 p.m
Staff Planner:	Kellie Rorex
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 and rezoned to Single Residence 35 (R1-35) (Case No. Z80-017, Ord. No. 1313).

PROJECT DESCRIPTION

Background

The subject request is to rezone the property from single residence 35 (RS-35) to single residence with a Planned Area Development (PAD) overlay to allow the development of three lots on a 5-acre property. The purpose of the PAD overlay is to allow the development of private streets within the development. Per Section 11-22-1 of the Mesa Zoning Ordinance (MZO), a PAD is required to allow private streets within a development. The PAD overlay also includes a modification to one requirement of the MZO. The modification is to allow an eight-foot-tall wall to be constructed along Val Vista Drive located to the west of the property. Per Section 11-30-4(A)(1)(b) of the MZO, the maximum height allowed for exterior boundary of a side or rear yard of a property is six feet.

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 outlined in the plan, residential developments are to preserve 1) two (2) rows of citrus along arterial streets; 2) one (1) row of citrus trees along the side and rear property lines; and 3) a minimum of four (4) citrus trees in the front area of the lot. There are no existing citrus trees on the site to preserve. The landscape plan provided with the application shows installation of large leaf foliage trees, such as Laurel Fig, Red Push Pistachio, and Chitalpa, as well as several other plants along Val Vista Drive which serves as the main frontage of the subdivision. There is no proposed landscaping along the rear, side and proposed front yards of the property. Staff is including a condition of approval to require one row of large foliage trees along the rear and side perimeter of the three lots to conform to requirement of the Sub-Area plan. In accordance with the "notice and disclaimer" adopted with the Citrus Sub-Area Plan, the Plan is to serve as a purely advisory document. This disclaimer allows the City Council to approve alternative proposals that meets the intent of the Plan, including landscaping. In addition, the City Council within the past few years has approved to allow property owners to utilize "citrus-like" trees for landscaping in place of citrus trees. Such change conforms to the proposed landscaping provided with the subject request. The proposed landscape plan with staff condition of approval is also consistent with existing landscaping within the vicinity of the site.

The requested rezoning and preliminary plat also comply with the guidelines for residential development within the Citrus Sub-Area Plan. Per the Plan, all new residential development should be on RS-35 zoned lots and that the City should promote and encourage custom home development. In addition, the guidelines also state that in an RS-35 PAD zoning district, the minimum lot size should be no less than 30,000 square feet, with an average lot size in the development of not less than 35,000 square feet. The submitted site plan shows the smallest lot within the Subdivision shall be a minimum of 46,626 square feet, and the overall average lot size within the subdivisions shall be 61,002 square feet which conforms to the standards of the Citrus Sub Area plan.

Overall, the subject request is consistent with, and furthers the goals of, the Mesa 2040 General Plan. The subject request also complies with the large lot characteristic of the General Plan as well as the “large leaf foliage” landscaping envisaged for development in the Citrus Sub Area of the City.

Zoning District Designations:

Per Section 11-5-2 of the Mesa Zoning Ordinance (MZO), the proposed use of the property for single residential use 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 limitations for a residential use. The City’s Falcon Field staff reviewed the subject request and had no concerns with the proposed development.

Planned Area Development (PAD) Overlay – MZO Article 3, Chapter 22:

The request includes a Planned Area Development (PAD) overlay in accordance with Section 11-22 of the MZO. The purpose of this request for an overlay is to allow modifications to certain required development standards as it pertains to development on the property. The overlay is also to allow innovative design and flexibility that creates a high-quality development for the site.

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

Table 1

Mesa Zoning Ordinance Section	Zoning Ordinance Requirement	Proposed Planned Area Development Deviations	Staff Recommendation
11-30-6(H)	Every lot shall have frontage on a dedicated public street unless the lot is part of an approved Planned Area Development	The applicant is proposing to construct a private street within the	As proposed

		development and have the proposed lots frontage along the private street.	
11-30-4(A)(b)	In residential districts, no wall within or along the exterior boundary of the required side or rear yards shall exceed a height of six (6) feet	There is an existing eight (8) foot wall on the site. The applicant is requesting to construct a new wall of the same height as existing.	As proposed

Per section 11-30-6(H) of the Mesa Zoning Ordinance (MZO), every lot shall have frontage on a dedicated public street unless the lot is part of an approved Planned Area Development. As shown on the table above (Table 1), the applicant is proposing to construct a private street within the development, instead of a public street.

Currently, there is an existing eight (8) foot wall along Val Vista Drive. Per section 11-30-4(A)(b) of the MZO, no wall within or along the exterior boundary of the required side or rear yards of a lot shall exceed six (6) feet in height. The applicant is requesting the PAD overlay to construct an eight (8) foot high wall along the west side of the property.

As a requirement for a PAD to demonstrate providing alternative superior design in lieu of the current development standards, the site plan shows the proposed subdivision as having a gated entry with a decorative wall and gate that leads into a cul-de-sac with large lots and ample landscaping surrounding the entryway. The landscape plan also shows a creative automotive theme at the entry and interior of the site. These design aspects create a unique quality to the development which meets the purpose of section 11-22-1 of the MZO for a PAD.

Surrounding Zoning Designations and Existing Use Activity:

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

RS-35 PAD Residential	Residential	Residential
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Compatibility with Surrounding Land Uses:

The subject site is adjacent to single family homes developed on RS-35 zoning district. The proposed subdivision will be compatible with the surrounding residential developments.

Preliminary Plat Request:

The request includes a 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.

The proposed preliminary plat shows division of a single lot into three individual lots with all three lots fronting a private street within the subdivision. According to the site plan, the proposed subdivision will be gated and accessed from North Val Vista Drive. From the information provided on the proposed preliminary plat, the minimum lot size within the subdivision will be 46,626 square feet, which exceeds the minimum size of 35,000 square feet allowed for the RS-35 zoning district.

Neighborhood Participation Plan and Public Comments

The applicant held a neighborhood meeting on December 13, 2019. According to the submitted Citizen Participation Report with the application, the applicant mailed notices to property owners within 1000 feet of the site and registered neighborhoods and HOAs within one mile, informing them of the proposed rezone and preliminary plat for DeRoche Estates.

As of writing this report, staff has not received any comments/concerns from surrounding property owners. The applicant will be providing an updated Citizen Participation Report to staff prior to the March 25, 2020 Study Session.

Staff Recommendations:

The subject request is consistent with the General Plan and meets the review criteria for Planned Area Development overlays outlined in Section 11-22 of the MZO; Therefore, staff recommends Approval of the request with the following condition:

Conditions of Approval:

1. Compliance with the landscape plan submitted, with the addition of providing one row of large foliage trees along the rear and side perimeter of the three lots to meet the intent of section 4-1, recommendation 4 of the Citrus Sub-Area Plan.
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-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3- Application Information

- 3.1 Project Narrative
- 3.2 Preliminary Plat
- 3.3 Landscape Plan
- 3.4 Grading and Drainage

Exhibit 4- Citizen Participation Report