



**PLANNING DIVISION
STAFF REPORT**

City Council Meeting

October 21, 2024

CASE No.: ZON23-00417	PROJECT NAME: Jardinero
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Owner’s Name:	EW Gardner Family Limited Partnership No 2
Applicant's Name:	Sean Lake, Pew and Lake P.L.C.
Location of Request:	Within the 3800 block of East McDowell Road (south side). Located south of McDowell Road and east of Val Vista Drive.
Parcel No(s):	141-27-009D
Request(s):	Rezone from Single Residence-35 (RS-35) to Single Residence-35 with a Planned Area Development Overlay (RS-35-PAD). This request will allow for a single residence development.
Council District:	1
Site Size:	19± acres
Proposed Use(s):	Single Residence
Existing Use(s):	Vacant
P&Z Hearing Date(s):	September 11, 2024 / 4:00 p.m.
Staff Planner:	Emily Johnson, Planner I
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (4-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **September 24, 1979**, the City Council approved the annexation of 2,225.47± acres, including the project site, and established comparable zoning of Single Residence 35 (R1-35) (now RS-35) (Ordinance No. 1277, Case No. Z08-017, Ordinance No. 1313).

On **September 11, 2024**, the Planning and Zoning Board approved a Preliminary Plat titled, “Jardinero” for the creation of 23 single residence lots (Case No. ZON23-00417). The Planning and Zoning Board also recommended that City Council approve the Proposed Project (Case No. ZON23-00417).

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 twenty-three-lot single residence subdivision (Proposed Project).

The 19± acre project site is currently vacant and located on the south side of East McDowell Road and east of North Val Vista Drive.

General Plan Character Area Designation and Goals:

The General Plan character area designation for the property is Neighborhood with a Citrus Sub-type. Per Chapter 7 of the General Plan, the primary focus of the neighborhood character area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The Citrus Sub-type is characterized by large lots with single-residence homes surrounded by citrus trees and other large-leaf foliage and trees along streets.

Citrus Sub-Area Plan:

The Proposed Project is located within the Citrus Sub-Area Plan. The goal of the sub-area is to provide for and preserve low-density, suburban-estate type residential uses that give the area its unique characteristics. The intent is to provide a transitioning buffer between rural and urban residential land uses. Per the Plan, all new residential development should be on RS-35 zoned lots and the City should promote and encourage custom home development.

The Proposed Project is consistent with the criteria for review outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan, the intent of the Neighborhood-Citrus Character Area and the Citrus Sub-Area Plan.

Zoning District Designations:

The applicant is requesting to rezone the project site from 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.

Airport Overflight Areas:

Per Section 11-19 of the MZO, the site is located within the City of Mesa Airfield (AF) Overlay District (Airport Overflight Area Three - AOA 3). The project site is within the AOA 3 is due to its proximity to the Falcon Field Airport.

There are no residential use restrictions on properties subject to AOA 3.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across McDowell Road) RS-35 Single Residence	North (Across McDowell Road) RS-35 Single Residence	Northeast (Across McDowell Road) RS-35 Single Residence
West RS-35 Single Residence	Project Site RS-35 Vacant	East RS-35-PAD Single Residence
Southwest RS-35 Single Residence	South RS-35 Single Residence	Southeast RS-35-PAD Single Residence

Compatibility with Surrounding Land Uses:

The Proposed Project is surrounded by single residence uses. Properties to the east, west, southwest, and southeast are either zoned RS-35 or RS-35-PAD and developed with single residence subdivisions.

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

Planned Area Development Overlay:

The Proposed Project includes a request for 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 Standard	MZO Required	PAD Proposed	Staff Recommendation
<u>Lot Frontage on a Public Street</u> – MZO Section 11-30-6(H)	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> – MZO Table 11-5-3.A.1	35,000 square feet	20,000 square feet	As proposed
<u>Minimum Lot Width – Interior Lot</u> – MZO Table 11-5-3.A.1	130 feet	110 feet	As proposed
<u>Minimum Lot Depth</u> – MZO Table 11-5-3.A.1	150 feet	130 feet	As proposed

MZO Development Standard	MZO Required	PAD Proposed	Staff Recommendation
<u>Interior Side: Minimum Aggregate of 2 Sides</u> – <i>MZO Table 11-5-3.A.1</i>	30 feet	20 feet	As proposed
<u>Maximum Building Coverage</u> – <i>MZO Table 11-5-3.A.1</i>	35 percent	40 percent	As proposed
<u>Maximum Building Height</u> – <i>MZO Table 11-5-3.A.1</i>	30 feet	Single story on perimeter lots	As proposed
<u>Detached Accessory Buildings Location</u> – <i>MZO Section 11-30-17(B)</i> - Detached Garages	May be located in the required side/rear yards provided that they are within the rear one-quarter of the lot and do not exceed 10 feet in height. May be located in the required rear yard but outside of the required side yard provided that they do not exceed 15 feet in height.	Detached garages may not be located in the required rear yards	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).

Through the PAD, the Proposed Project includes 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.A.1 of the MZO, the minimum lot size in the RS-35 district is 35,000 square feet. Proposed Project includes lots with a minimum lot size of 20,000 square feet with lots ranging up to 32,188 square feet.

Lots are designed smaller to provide an opportunity for those in the area who may wish to downsize their lot size, without downsizing their actual home. All lots will have custom-built,

estate-style homes that will be in keeping with the existing community and Citrus Sub-Area Plan with a large amenity area, landscaping, and themed walls and fencing.

The applicant is requesting a density of 1.2 dwelling units per acre, which is less than the maximum 1.24 dwelling units per acre permitted in the RS-35 district.

Minimum Lot Width:

Per Table 11-5-3.A.1 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 110 feet. The lot width is being reduced due to the irregular shaped lots proposed around cul-de-sacs.

Minimum Lot Depth:

Per Table 11-5-3.A.1 of the MZO, the minimum lot depth in the RS-35 zone is 150 feet.

The applicant is requesting a minimum lot depth of 130 feet. The lot depth is being reduced due to the irregular shaped lots proposed around cul-de-sacs.

Interior Side: Minimum Aggregate of 2 Sides:

Per Table 11-5-3.A.1 of the MZO, the aggregate of the two side setbacks in the RS-35 zone is a minimum of 30 feet.

The applicant is requesting a minimum aggregate of 20 feet to accommodate sizable custom homes.

Maximum Building Height:

Per Table 11-5-3.A.1 of the MZO, the maximum height for buildings in the RS-35 zone is 30 feet.

The applicant is requesting that all structures on perimeter lots be limited to single-story homes. This is a condition agreed upon during neighborhood outreach.

Detached Accessory Buildings Location:

Per Section 11-30-17(B) of the MZO, detached accessory buildings may be located in the required side/rear yards provided that they are within the rear one-quarter of the lot and do not exceed 10 feet in height. They may be located in the required rear yard but outside of the required side yard provided that they do not exceed 15 feet in height.

The applicant is requesting that no detached garages be allowed within the required rear yard. This is a condition agreed upon during neighborhood outreach.

PAD Justification:

Per Section 11-22-1 of the MZO, the purpose of a PAD overlay is to permit flexibility in the application of zoning standards when it can be demonstrated that the proposed development provides equivalent or superior standards in a creative way.

Per the submitted documents, the proposed development will have an overall density of 1.20 dwelling units per acre, below the maximum density permitted in the RS-35 district. The density is consistent with the desired character of the Citrus Sub-Area Plan as well as the citrus trees and other large-leaf varieties that will be planted along the streets, landscape tracts, and the amenity area.

The proposed development also meets the intent of a PAD overlay by providing a well-designed amenity space that includes pickleball courts, a pool, sports field, fire pit, and ramada accessible to the community through a citrus-lined tract which also helps to preserve the natural character of land.

All private streets and onsite improvements, including the high-quality entry gate and walls, landscaping, and amenity area, will be dedicated to a Homeowner’s Association who will administer ownership and maintenance.

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

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 (23 lots)	Name of School	Annual Estimated Demand	Adequate Capacity to Serve
Ishikawa Elementary	Elementary	4 students	Yes
Stapley Junior High	Middle School	2 Students	Yes
Mountain View High School	High School	3 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 neighborhood meetings on June 13, 2022, September 6, 2022, and August 22, 2023. Several citizens attended each of the meetings.

Some of the topics raised by the neighbors included home sizes, minimum lot sizes, landscaping and citrus requirements, and drainage. Responses to all discussion points that took place during the neighborhood meetings and outside of the established meetings are referenced in the Citizen Participation Report.

Based on feedback from residents during the Citizen Participation Process, the applicant reduced the number of proposed lots from 29 to 23 which increased the minimum lot size within the development. Additional PAD modifications were also established based on resident feedback including perimeter lots being restricted to single-story homes and detached garages not being permitted within the required rear yard.

At the September 11, 2024 Planning and Zoning Board meeting four residents came to the meeting to express their opposition to the project. Concerns raised were the reduced lot size and compatibility with the intent of the Citrus Sub-Area Plan and access to the irrigation valves for the adjacent subdivisions to the south and west.

In response the applicant cited that the minimum lot size within the Citrus Sub-Area Plan is only a recommendation and presented an evaluation of the surrounding subdivisions, showing that many were approved with lots smaller than 35,000 feet.

In response to the irrigation, the applicant stated that it is a civil matter. For the irrigation valve for the neighborhood to the south there is no easement on the project site; however, the applicant is willing to work with the neighbors. For the irrigation valve for the neighborhood to the west there is a 30-foot irrigation easement within a tract that will continue to provide access to the irrigation valve.

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 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.
4. Prior to the issuance of a building permit, obtain approval of and record a final subdivision plat for the subject parcels.
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 two miles 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 states 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 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 Standard	Approved
<u>Lot Frontage on a Public Street – MZO Section 11-30-6(H)</u>	Each lot shall have frontage on a private street
<u>Minimum Lot Area – MZO Table 11-5-3.A.1</u>	20,000 square feet
<u>Minimum Lot Width – Interior Lot – MZO Table 11-5-3 A.1</u>	110 feet
<u>Minimum Lot Depth – MZO Table 11-5-3 A.1</u>	130 feet
<u>Interior Side: Minimum Aggregate of 2 Sides – MZO Table 11-5-3 A.1</u>	20 feet
<u>Maximum Building Coverage – MZO Table 11-5-3 A.1</u>	40 percent
<u>Maximum Building Height – MZO Table 11-5-3.A.1</u>	Single story on perimeter lots
<u>Detached Accessory Buildings Location – MZO Section 11-30-17(B)</u> - Detached Garages	Detached garages may not be located in the required rear yards

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