



**PLANNING DIVISION
STAFF REPORT**

City Council Hearing

March 16, 2020

CASE No.: ZON19-00651	PROJECT NAME: Parkside Villas
------------------------------	--------------------------------------

Owner's Name:	Spring Sun RE, LLC
Applicant's Name:	Adam Baugh, Withey & Morris, PLC
Location of Request:	Within the 1300 block of North 46 th Street (west side). Located north of Brown Road and east of Greenfield Road.
Parcel No(s):	141-33-007E, 141-33-010C & 141-33-009Q
Request:	Rezone from Single Residence 43 (RS-43) to Small-Lot Single Residence 2.5 Planned Area Development (RSL-2.5-PAD). This request will allow for the development of a single-residence subdivision. Also consider a preliminary plat for "Parkside Villas".
Existing Zoning District:	Single Residence 43 (RS-43)
Council District:	5
Site Size:	4.85± acres
Proposed Use(s):	Single residence subdivision
Existing Use(s):	Vacant & Single Residence
P&Z Hearing Date(s):	February 12, 2020 / 4:00 p.m
Staff Planner:	Cassidy Welch
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

HISTORY

In **1936**, the existing single residence was constructed.

On **June 26, 1979**, the property was annexed into the City of Mesa (Ord. #1250).

On **December 17, 1979**, the City Council approved to rezone the property to Single Residence 43 (RS-43).

PROJECT DESCRIPTION

Background

The subject property consists of three parcels totaling 4.85± acres that are owned by one property owner. The applicant is requesting to rezone the property from Single Residence 43 (RS-43) to Small-Lot Single Residence 2.5 with a Planned Area Development (RSL-2.5-PAD) overlay to allow development of a 36-lot single residence subdivision. Per the proposed plan, the minimum lot size in the subdivision will be 2,983 square feet. The plan also shows the construction of private internal streets within the subdivision with a gated entrance. Currently, there is an existing single residence on a portion of the property. According to the applicant, the existing house on the property will be demolished to allow the development of the subdivision.

General Plan Character Area Designation and Goals

The General Plan Character area designation on the property is Neighborhood with a Suburban sub-type. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood character is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Per Chapter 7 of the General Plan, Small-lot Single Residence (RSL) zoning is listed as a primary use within the suburban sub-type.

In addition to the goals of the individual character areas outlined in Chapter 7 of the General Plan, Chapter 4 of the General Plan outlines goals for the City to focus on creating and maintaining a variety of great neighborhoods as part of the implementation of the General Plan and development within the City. Further, the General Plan includes several key elements needed for strong neighborhoods (Mesa 2040 General Plan pg. 4-2), one of which is a safe, clean and healthy living environment. The proposed development will improve the community by providing active open space and visibility that engages and allows connectivity to the existing city park (Princess Park) to the west.

Chapter 4 of the General Plan also outlines general policies and strategies for creating and maintaining a variety of great neighborhoods. Neighborhood Policy 1 outlined on page 4-8 of the General Plan encourages the appropriate mix of uses that will bring life and energy to neighborhoods while protecting them from encroachment by incompatible development. The proposed subdivision for the development of a mostly vacant and under-utilized site will foster to create a variety of residential uses within the neighborhood while maintaining the integrity of the existing neighborhood. Staff reviewed the request and determined it is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Airport Compatibility:

The proposed development is located approximately 1 mile south of Falcon Field Airport. The entire development boundary of the site is located within the Airport Overflight Area (AOA) 3. The development is not in the direct flight path of the airport runways; however, it is in close

proximity and will likely experience noise from the airport. Per Section 11-5-2 of the Mesa Zoning Ordinance, single residence uses are allowed in the AOA 3 subject to specific conditions of approval (see condition numbers 6-10). Staff has included standard conditions of approval for noise attenuation and notification requirements to be given to future property owners regarding proximity of the development to the airport.

Zoning District Designations:

The request includes a rezoning of the property from RS-43 to RSL-2.5 with a Planned Area Development (PAD) Overlay to allow modifications to certain development standards of the Mesa Zoning Ordinance (MZO). According to the plan provided with the application, the proposed lot sizes in the subdivision will range from 2,983 square feet to 4,245 square feet. Per Section 11-5-2 of the MZO, the proposed use of the property for a single residential subdivision is allowed in the RSL zoning district.

RSL Design Elements – MZO Section 11-5-4:

Per Table 11-5-4 of the Mesa Zoning Ordinance, there are a minimum of six design elements that must be implemented as part of the proposed subdivision to allow the RSL- 2.5 zoning. The submitted application shows conformance to the required elements as described below:

Streetscape Elements (a minimum of two elements required):

- Street and Sidewalk Improvements: *Per the required element, construction of streetscape improvements such as roundabouts, neck downs, curb bulbs or similar traffic calming techniques are required as part of the development.*

From the plan, the applicant is proposing neck-down traffic calming improvements on two of the proposed private streets within the subdivision.

- Parkland and Useable Open Space: *In accordance with the required design element, parkland and useable open space areas that are at least 30 percent greater in area than the minimum required open space for a development can be used to fulfil the parkland and useable open space element. Such open space area must also be functional and consist of at least 500 square foot area and be a finished landscape area. It must also include amenities such as benches, canopies and play equipment.*

The plan provided with the application shows a proposed 20,630 square feet open space area, or 10.3% of the net acreage of the development. The main amenity tract within the subdivision will be located at the southwest corner of the development and contains shaded seating areas and a ramada and BBQ. The amenity tract has also been designed to connect to an adjacent city park (Princess Park) which will effectively serve as additional open space for the residents. The proposed open space exceeds the required 400 square feet per dwelling unit for such developments and provided an average of 573 square feet per dwelling unit, which exceeds 30% of the minimum required open space.

- Paving Material: *Per the additional design element, decorative paving material such as pavers, stamped, colored, or textured concrete and asphalt should be utilized for pedestrian areas, street crossings, and entries into the development.*

Per the plan, decorative paving will be located at the entry into the subdivision, at the neck-down areas, and at the residential driveways.

Site Design Elements (minimum of one element required):

- *Variable Front Yards: In accordance with the required element, no more than 50 percent of the homes will be setback the same distance from the front lot lines, and at least 50 percent of the homes is required to be setback at least 2 feet farther than the minimum*

Per the submitted documents, each floor plan includes a minimum of three elevations. Each elevation features a unique front porch of varying depth. This variation in elevations will guarantee that not all the homes within the subdivision will be set back the same distance from the front lot line. This design conforms to the required design element to be considered for the RSL 2.5 development.

Building Design Elements (minimum of two elements required):

- *Entries and Porches: Per the Section of the MZO, at least 50 percent of homes should include entries and covered porches extending along a minimum of 50 percent of the width of the homes front facades, excluding the width of garages, porches meeting the requirement are required to have a minimum width of 8 feet and a minimum depth of 4 feet.*

From the plan, at least 50% of the homes in the proposed subdivision will have front porches which extend along a minimum of 50% of the width of the home. Porches meeting this requirement have a minimum width of 8 feet and a minimum depth of 4 feet.

- *Architectural Diversity: Per the requirements, project with 20 or fewer lots are required to have a minimum of 3 unique elevations. For each additional 20 lots, or portion thereof, an additional elevation is required.*

This subdivision has 36 lots, so three elevations are required. Per the submitted plans, there are three different floor plans proposed with a minimum of 3 unique elevations per floor plan. Each elevation includes a different combination of materials and colors. Enhanced elevations will be utilized for lots visible from public view and common open space. The provided floor plans and elevations are being approved as a part of the request (See condition #2).

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

The purpose of this request for a PAD overlay is to allow modifications to certain required development standards on the property. The overlay is also to allow innovative design and flexibility that creates high-quality development of the site.

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

Table 1

Development Standards	Required RSL-2.5	Proposed RSL-2.5
Minimum Rear Setback (ft)	15	15 for livable; 10 for patios
Dedicated Lot Frontage	Public	Private

As shown on the table above, the applicant is requesting the following deviations from the RSL-2.5 zoning district development standards from Section 11-5-4 of the Mesa Zoning Ordinance (MZO):

Rear Setback: The required rear setback for the RSL-2.5 zoning district is 15 feet for livable areas, such as bedrooms, living rooms, etc. The applicant is requesting a reduction in the rear setback from 15 feet to 10 feet for the construction of patios. This request for a reduced setback, if approved, will be similar to the setback standards for traditional RS zoning districts which allows non-livable areas, such as patios, porches, and balconies, to encroach into the required rear setback by 5 to 10 feet, depending on the zoning district. The reduced rear setback will encourage the use of the private open space and provide relief from the climate allowing residents to enjoy their community.

Private Streets: MZO Section 11-30-6 requires all parcels created within the City of Mesa to front onto a dedicated public street. The applicant is requesting a modification to allow the proposed lots within the development to front onto a private drive.

The proposed subdivision, with the requested deviations, is well designed and incorporates innovative design and features that conform to the goals and intent of a great neighborhood. The subject request is also consistent with MZO Section 11-22-1 for Planned Area Development (PAD) overlays.

Façade Articulation Waiver:

Section 11-5-3.E of the MZO requires that all street facing garages of homes be setback a minimum of 3' from the primary wall of the home. Per Section 11-5-3.E of the MZO, the applicant is requesting a façade articulation waiver to this requirement. Façade articulation waivers can only be approved for subdivisions with more than 25 lots and are only allowed for a maximum of 40% of the lots in the subdivision. The proposed façade articulation deviation is for a maximum of 14 of the proposed 36 lots in the development. Specifically, the applicant is requesting a façade articulation waiver for "Elevation A" of each floor plan. Due to the high-quality architectural design and use of real materials, it is staff's determination that the proposed request conforms to the quality design standards of the Mesa Zoning Ordinance.

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. Per Section 11-66-2 of the Mesa Zoning Ordinance, the preliminary plat is reviewed and approved by the Planning and Zoning Board. All approved preliminary plats are subject to potential modification 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 can sometimes result in modifications to lot sizes and configuration and a reduction in the number of lots.

The proposed preliminary plat shows development of a variety of lot sizes with a gross density of 7.42 dwelling unit per acre. The plat shows the subdivision will be gated with private internal streets with both ingress and egress access located on 46th Street which is located on the east side of the development. The plat also shows location of a large open space at the southwest corner of the site with view fencing along the Princess Park boundary located west of the site. According to the plan, the proposed residential lots, whenever possible, may be oriented to face Princess Park.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-9 & RS-43 Public Park	North RS-43 Single Residence	Northeast (Across 46 th Street) RS-9 Single Residence
West RS-43 Public Park	Subject Property RS-43 Existing Single Residence & Vacant	East (Across 46 th Street) RS-9 Single Residence
Southwest RS-43 Public Park	South RS-43 Single Residence	Southeast (Across 46 th Street) RS-43 Single Residence

Compatibility with Surrounding Land Uses:

The subject site is adjacent to developed single residence homes on the north, east, and south sides of the property. There is an existing RS-9 subdivision that surrounds the site to the north (across Princess Drive) and to the east (across 46th Street). In addition, the subject site is also immediately adjacent to three large lot single residence homes located to the immediate north and south. From the plan and discussions with the applicant, the open space has been located along the southern boundary to reduce the impact of the proposed development on these large lots to the south. Overall, the proposed small-lot single residence subdivision, including its design elements will be compatible with the surrounding development and land uses.

Neighborhood Participation Plan and Public Comments

A Citizen Participation Process has been completed which included mailed letters to property owners within 1,000-feet of the site, as well as HOAs within a 1/2 mile and registered neighborhoods within one mile. The applicant held a neighborhood meeting with the surrounding property owners on July 12, 2019 at Red Mountain Library located at 635 N Power Road prior to submitting the formal application. After the formal application to the City, the applicant held two additional neighborhood meetings. Staff attended one of the meetings.

According to the applicant, the first formal meeting was held on November 4, 2019 at Bush Elementary School located at 4925 E Ingram Street. From the submitted information, 41 residents attended the meeting. The following list includes items of concern discussed at the meeting and the applicant's response to the concerns:

- Increased Traffic on 46th Street and Princess Drive:
The applicant conducted a Traffic Impact Study (TIS) which concluded that the proposed development would not significantly impact traffic and would not exceed the trip capacity for either street. As part of the review of the project, the City's Transportation Department reviewed the TIS and had no concerns with the report.
- Transition from Septic to Sewer:
Currently, many of the surrounding homes are on septic systems. A number of the residents expressed concerns that the City of Mesa would require them to connect to the centralized sewer systems if this project is approved. Per the City Code, the residents will be required to connect to the centralized sewer only when their existing septic system fails, and the homeowner applies for the installation of a new septic system. Also, only homes located on 46th Street, where the proposed sewer line is located, will be required to connect to the centralized sewer. The applicant has offered to install the sewer stub lines to these properties, with property owner permission, to reduce future costs to the homeowners.
- School Capacity
The proposed development was sent to the Mesa Public School District for review and staff received a respond that the schools have adequate capacity to serve the anticipated future students (See Table 2 below).
- Roadways Drainage Issues
As a requirement of the development, the applicant is installing half street improvements along 46th Street, including curbs, gutters and sidewalks. According to the applicant, the planned improvements will mitigate the drainage issues surrounding the site.
- Height of the Proposed Homes
The applicant is not requesting any deviation from the allowed height in the single residence zoning district. Per Section 11-5-4 of the Zoning Ordinance, a maximum height of 30 feet is allowed.
- Size of the Proposed Lots
The existing surround neighborhood is currently zoned RS-9 which allows for a minimum lot size of 9,000 square feet. According to the applicant, the proposed development adequately responds to the challenges of developing an infill site of this size and shape. The applicant indicated that while the lots are smaller, the size of the homes is similar to the surrounding community.

The applicant conducted a second neighborhood meeting on January 7, 2020 at Shepherd Junior High, which was attended by approximately 30 residents. According to the applicant, many of the issues discussed at the meeting were similar to those discussed at the first meeting. The applicant has provided a Citizen Participation Report that further details the outreach efforts to stakeholders in the area and responses to concerns brought up by the

residents. As of writing this report, staff has received 7 emails and 1 voicemail from residents, 2 letters and 1 phone call of objection and 5 letters of support. Copies of these letters have been included in the packet to the Planning & Zoning Board.

School Impact Analysis:

Staff contacted the Mesa Public School District for a capacity analysis and received the following information:

Table 2

Proposed Development (36 houses) – Parkside Villas	Name of School	Annual Estimated Demand	Adequate Capacity to Serve
Elementary	Bush	6	Yes
Middle School	Shepherd	0-6	Yes
High School	Red Mountain	0-6	Yes

Staff Recommendation:

The request for rezoning from RS-43 to RSL-2.5-PAD is consistent with the Mesa 2040 General Plan and is consistent with the purpose for a Planned Area Development overlay outlined in Section 11-22-2 of the MZO; Therefore, staff recommends approval of the request with the following conditions of approval:

Conditions of Approval:

1. Compliance with the City of Mesa Zoning Ordinance, except the development standards modified in Table 1 of the staff report.
2. Compliance with the floor plans and elevations submitted.
3. Compliance with all requirements of the Subdivision Regulations.
4. Compliance with all City development codes and regulations.
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. 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 homes to achieve a noise level reduction to 45 decibels as specified in Section 11-19-5 of the Mesa Zoning Ordinance.
 - c. Provide written notice to future property owners that the project is within 3 miles of Falcon Field Airport.
 - d. Provide a 4-foot x 4-foot sign at the entrance to the sales office for this development, with notice to all prospective buyers that the project is within an Overflight Area for Falcon Field Airport as specified in Section 11-19-5 of the Zoning Ordinance.

- e. Provide a note on the final subdivision plat that states: "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."