



PLANNING DIVISION
STAFF REPORT

City Council Hearing

January 10, 2022

CASE No.: ZON21-00291/ZON21-00502	PROJECT NAME: Gilbert & McKellips
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Owner's Name:	Orange Tree Marketplace II, LLC
Applicant's Name:	Sean Lake, Pew & Lake, PLC
Location of Request:	Within the 1800 block of East McKellips Road (north side). Located west of Gilbert Road on the north side of McKellips Road.
Parcel No(s):	136-06-012C
Request:	Rezone from Agricultural (AG) and Limited Commercial (LC) to Small Lot Single Residence 3.0 with a Planned Area Development overlay (RSL-3.0-PAD). This request will allow for a small-lot single residence development. This request also includes a preliminary plat for "Gilbert & McKellips"
Existing Zoning District:	Agricultural (AG) and Limited Commercial (LC)
Council District:	1
Site Size:	5.2± acres
Proposed Use(s):	Small-Lot Single Residence
Existing Use(s):	Vacant
P&Z Hearing Date(s):	November 17, 2021 / 4:00 p.m.
Staff Planner:	Cassidy Welch, Senior Planner
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote 6-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **July 24, 1978**, the City Council annexed 551± acres of land that included the subject 5± acre site into the City of Mesa (Ordinance No. 1161).

On **April 18, 1994**, the City Council approved a rezoning of the subject site from Maricopa County Rural 43 to City of Mesa Limited Commercial (LC) and Agricultural (AG) zoning designation (Case No. Z78-102; Ordinance No. 1189).

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the property from Agricultural (AG) and Limited Commercial (LC) to Small Lot Single Residence 3.0 with a Planned Area Development overlay (RSL-3.0-PAD) to allow development of a 38-lot single residence subdivision on the property. The subject property is currently vacant and located west of Gilbert Road on the north side of McKellips Road. Per the proposed preliminary plat, the minimum lot size in the proposed subdivision will be 2,800 square feet. The preliminary plat also shows construction of a private internal street within the subdivision.

Per Section 11-22 of the Mesa Zoning Ordinance (MZO), the purpose of a PAD overlay is to permit flexibility in the application of zoning standards and requirements where a proposed development can demonstrate that it provides equivalent or superior standards in a creative way to meet the intent of the City's Zoning Ordinance and General Plan. The proposed site plan meets the criteria for review of a PAD and site plan outlined in the MZO. From the submitted site plan, the proposed single residence development will include superior and high-quality design standards such as quality common open space areas, defined pedestrian pathways to the adjacent commercial, and superior building product.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property is Mixed Use Activity District with a Community Scale sub-type. Per Chapter 7 of the General Plan, the overall goal of this district is to create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. Chapter Seven (pages 7-21) of the General Plan list primary and secondary uses allowed within the Mixed Use Activity District. Per the Plan, attached single residence is one of the secondary uses listed within the character area designation. The primary uses listed in the character area are mainly commercial and include uses such as retail, restaurants, offices, personal services, and hotels.

Per Chapter Seven of the General Plan, as part of redeveloping older community commercial areas, the Mixed Use Activity District character type may include residential land uses to provide a greater mix of uses within the character area. Also, per the Plan, in order to facilitate development of the character area, all residential uses require the establishment of primary uses listed within the character area prior to such development. However, secondary uses may be permitted provided a minimum of 70 percent of the character area is established for primary uses.

The subject property is located in an area developed with both residential and commercial uses. However, the subject property is the only undeveloped property within the area designated as Mixed Use Activity District. The majority of the property designated within the

Mixed-Use Activity District are developed for commercial uses and constitute approximately 80 percent of the character area. Per the General Plan (page 7-6), secondary zoning districts and secondary land uses are allowed if appropriate for the location and if the secondary zoning districts and secondary land uses provide a mixed-use development and add to the vibrancy of the area. Also, the secondary land use may be allowed to develop if an existing development within a character area already satisfies the requirement of the character area. Further, the City Council, as part of a rezoning request, may approve minor deviations to the minimum land uses or zoning if the development clearly demonstrate that such approval will achieve the intent of the character area designation.

The proposed development of the property for a single residence subdivision will conform to the intent of the Mixed Use Activity District character area designation. Specifically, the use will add to the diversity and mix of uses envisioned in the character area designation as well as help create a vibrant character area of housing and population density to support the surrounding commercial development. The design of the site, such as creating common usable community spaces also conforms to the form and design guidelines outlined for development within the Mixed Use Activity character area. 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.

Zoning District Designations:

The request includes a rezoning of the property from AG and LC to RSL-3.0-PAD to allow modifications to certain development standards of the Mesa Zoning Ordinance (MZO). Per Section 11-5-1 of the MZO, the goals of the small lot single residence are to provide areas for small-lot single dwelling development to ensure land use compatibility. According to the preliminary plat submitted, the proposed lot sizes will range from 2,800 square feet to 4,829 square feet.

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

The subject request includes a PAD overlay to allow modifications to certain required development standards of the MZO. Per Section 11-22 of the MZO, the purpose of the PAD overlay is to allow innovative design and flexibility that creates high-quality development for the site. Overall, the proposed development complies with requirements of a PAD by incorporating high-quality development design standards such as increased open space areas and high-quality building elevations with a clean, simplistic form and quality building materials.

As shown on the table below, the applicant is requesting modifications from the RSL-3.0 zoning district development standards from Sections 11-5-3 and 11-32-4 of the Mesa Zoning Ordinance (MZO). Table 1 shows the MZO required standards, the applicant's proposed PAD standards, and staff recommendations.

Table 1: Development Standards

MZO Development Standards		Required	Proposed	Staff Recommendation
Minimum Average Lot Area –				

MZO Table 11-5-3(A)(2)	3,250 sq. ft.	3,000 sq. ft.	As proposed
Minimum Lot Depth – MZO Table 11-5-3(A)(2)	80 ft.	70 ft.	As proposed
Minimum Yards – MZO Table 11-5-3(A)(2) - Front, Building Wall - Front, Porch - Side, Interior - Rear	15 ft. 10 ft. 4 ft. 20 ft.	9.5 ft. 9.5 ft. 0 ft. (Lots 1, 3, 19, 23, 24, 28, 29, 33, 34 and 38) 10 ft. (Lots 19-38) 15 ft. (Lots 1-18)	As proposed
Rear Yard Encroachments – MZO Section 11-5-3(B)(2)(iii) -Attached open porches and open patios	15 ft.	5 ft. (Lots 19-38) 10 ft. (Lots 1-18)	As proposed
Minimum Dimensions for Residential Enclosed Garages – MZO Section 11-32-4(F) - Double-car Garage	20 ft. x 22 ft.	20 ft. x 20 ft.	As proposed
Front Loaded Garages – MZO Section 11-5-3(B)(4)	The aggregate width of garage doors shall not exceed 50% of the aggregate width of the front building elevation	The aggregate width of garage doors shall not exceed 53% of the aggregate width of the front building elevation	As proposed
Driveways – Maximum Width for lots less than 75 feet – MZO Section 11-5-3(B)(5)	The combined paved areas shall not	The combined paved areas shall not	As proposed

	exceed 50% of the area of the front yard	exceed 53% of the front yard area	
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Minimum Lot Size:

Per Table 11-5-3(A)(2) of the MZO, the minimum average lot area for lots within the RSL-3.0 zoning district is 3,250 square feet and the minimum lot depth is 80 feet. The applicant is requesting reductions to the minimum average lot area from 3,250 square feet to 3,000 square feet and a reduction to the minimum lot depth from 80 feet to 70 feet. According to the applicant, the requested reductions to the lot area and depth are due to the unique shape of the development and also to accommodate increased common open space areas within the development. Per the submitted plans, a minimum lot depth of 75 feet will be provided for all lots along the western and northern boundary of the development to allow compatible rear setbacks with the existing subdivision.

Minimum Front Setback:

Per Table 11-5-3(A)(2) of the MZO, the minimum front setback for livable areas within the subject development are required to be 15 feet and the minimum front setback for patios are required to be 10 feet. The applicant is requesting a reduction to the minimum front setback for livable areas from 15 feet to 9.5 feet and for front patios from 10 feet to 9.5 feet. According to the applicant, the requested reductions are necessary to accommodate placement of the proposed buildings to be closer to the street and provide more engagement between lots within the subdivision.

Minimum Interior Side Setback:

Per Table 11-5-3(A)(2) of the MZO, the minimum side setback for each lot within the subject development is required to be 5 feet. The applicant is requesting a reduction to the minimum side setback from 5 feet to 0 feet. According to the applicant, this request is to specifically accommodate Plans 4 & 4X to allow a side-entry patio. This requested reduction will only apply to lots adjacent to tracts and common open spaces areas. According to the applicant, this reduction is to incorporate more engagement into the proposed subdivision by bringing patios closer to the street and open space areas.

Minimum Rear Setback (75 ft. lot depth):

Per Table 11-5-3(A)(2) of the MZO, the minimum rear setback for each lot within the subject development is required to be 20 feet. The applicant is requesting a reduction to the minimum rear setback from 20 feet to 15 feet for livable space. Also, the applicant is requesting a reduction of the minimum rear setback from 20 feet to 10 feet for patios. The 75-foot lots are for all lots adjacent to the existing single residence subdivision to the north and east. Per the applicant, the requested reductions are to accommodate design of the development to provide a “hybrid patio home product” that will act as an appropriate transition of density between the existing commercial development and the single residence subdivision. Per the submitted plans, additional common open space areas that exceed the minimum required standards of 280 square feet per unit have been provided to support the reduced rear setbacks.

Minimum Rear Setback (70 ft. lot depth):

Per Table 11-5-3(A)(2) of the MZO, the minimum rear setback for each lot within the subject development is required to be 20 feet. The applicant is requesting a reduction to the minimum rear setback from 20 feet to 10 feet for livable space. Also, the applicant is requesting a reduction of the minimum rear setback from 20 feet to 10 feet for patios. Per the applicant, the requested reductions are to accommodate design of the development to provide a “hybrid patio home product” that will act as an appropriate transition of density between the existing commercial development and the single residence subdivision. Per the submitted plans, additional common open space areas that exceed the minimum required standards of 280 square feet per unit have been provided to support the reduced rear setbacks.

Minimum Interior Garage Size:

Per Section 11-32-4(F) of the MZO, the minimum interior garage width for two-car garages shall be 20 feet wide and 22 feet deep. The applicant is requesting a reduction to the minimum interior garage depth from 22 feet to 20 feet. According to the applicant, the requested garage size is consistent with industry standards and the applicant will be providing tankless water heaters to reduce obstructions to the useable garage area.

Front Loaded Garages:

Per Section 11-5-3(B)(4) of the MZO, the aggregate width of any front-loaded garage door shall not exceed 50 percent of the total front building width. The applicant is requesting a modification to the required aggregate width of garages to allow a maximum 16-foot garage door for each elevation for a maximum 53% of the total front building width. Per the submitted elevations and floor plans, the average front building width is 30 feet; however, the industry standard for 2-car garage doors is 16 feet. Per the applicant, the requested modification will allow standard size garage doors for the proposed development.

Maximum Paved Areas:

Per Section 11-5-3(B)(5) of the MZO, the total combined paved areas of the area of the front yard of development with lots less than 75-feet-wide shall not exceed 50 percent of the total front yard width. The applicant is requesting a modification to allow a maximum of 53 percent of the total front yard width to be paved. Per the applicant, this request is to accommodate a standard 16-foot two-car driveway and entry walkway. According to the applicant, the variety of elevations and varied entry patio dimensions will appropriately engage the subdivision.

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 38 lots. The proposed subdivision will be accessed through an internal private drive from McKellips Road. The plat shows a secondary emergency access drive will be located to the northwest corner of the subject property. There is a common open space area shown at the southeast corner of the site. Specifically, along the primary entry drive with a secondary open space area in the center of the site. The plat also shows pedestrian gates will be installed at the southern and eastern site boundaries to the existing commercial center to the east and future commercial development to the south.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-9-PAD Single Residence	North RS-9-PAD Single Residence	Northeast RS-43 Single Residence
West RS-9-PAD Single Residence	Subject Property AG & LC Vacant	East LC Commercial
Southwest (Across McKellips Road) RS-43 Single Residence	South (Across McKellips Road) RS-43 Single Residence	Southeast (Across McKellips Road) OC & LC Commercial

Compatibility with Surrounding Land Uses:

The subject site is adjacent to an existing single residence subdivision to the north and west of the property. There is also an existing group commercial center located to the east of the site, as well as existing and planned future commercial development to the south. The proposed development of small-lot single residences will serve as a transition between the existing and proposed commercial to the south and east of the property and the adjacent residential subdivision to the north and west of the property. Overall, the proposed development will be compatible with the surrounding area and land uses.

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 1 mile of the site. The applicant held a virtual Zoom neighborhood meeting. The major issues discussed at the meeting included height of the proposed two-story products and increased traffic on McKellips Road.

Below is a summary of how the concerns, issues, and problems have been addressed by the applicant:

Building Height:

All lots adjacent to the existing single residence subdivision to the north and west of the site shall consist of a 15-foot building setback from the property line of those lots. Further, through discussions with the surrounding neighborhoods, the proposed development was redesigned to locate common open spaces along the western boundary of the site. The

intent of the redesign was to reduce the number of lots adjacent to the adjacent single residence lots to the west.

Traffic:

The developer has coordinated with the City's Transportation Department to ensure that the proposed development is appropriate and will not negatively impact traffic on McKellips Road. The Transportation Department has determined McKellips Road has adequate capacity to serve the anticipated development.

Staff received two calls from surrounding property owners with concerns over the proposed two-story height and traffic volume likely associated with the proposed development. The applicant will be providing an updated Citizen Participation Report to staff prior to the November 17, 2021 Planning and Zoning Study Session. Staff will provide the Board with any new information during the scheduled Study Session.

School Impact Analysis:

A copy of the proposed development was sent to the Mesa Public Schools District for comments. As of writing this report, staff has not received a response from Mesa Public Schools. Staff will provide the Board with any new information during the scheduled Study Session.

Staff Recommendation:

The subject request is consistent with the General Plan, the purpose for a Planned Area Development overlay outlined in Section 11-22-1 of the MZO and meets the review criteria for approval of a preliminary plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations; therefore, staff recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan, site details, elevations, and landscape plan submitted.
2. Compliance with all requirements of 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. Floor Plan Four (4) & Floor Plan Four X (4X) shall apply only to Lots 1, 3, 19, 23, 24, 28, 29, 33, 34 and 38.
5. 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:

MZO Development Standards	Approved
Minimum Average Lot Area – MZO Table 11-5-3(A)(2)	3,000 sq. ft.
Minimum Lot Depth – MZO Table 11-5-3(A)(2)	70 ft.
Minimum Yards – MZO Table 11-5-3(A)(2)	

<ul style="list-style-type: none"> - Front, Building Wall - Front, Porch - Side, Interior - Rear 	9.5 ft. 9.5 ft. 0 ft. (Lots 1, 3, 19, 23, 24, 28, 29, 33, 34 and 38) 10 ft. (Lots 19-38); 15 ft. (Lots 1-18)
Rear Yard Encroachments – MZO Section 11-5-3(B)(2)(iii) -Attached open porches and open patios	5 ft. (Lots 19-38); 10 ft. (Lots 1-18)
Minimum Dimensions for Residential Enclosed Garages – MZO Section 11-32-4(F) - Double-car Garage	20 ft. x 20 ft.
Front Loaded Garages – MZO Section 11-5-3(B)(4)	Garage doors shall not exceed 53% of the aggregate width of the front building elevation
Driveways – Maximum Width for lots less than 75 feet – MZO Section 11-5-3(B)(5)	The combined paved areas shall not exceed 53% of the front yard area

Exhibits:

Exhibit 1-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3-Application Information

3.1 Project Narrative

3.2 Site Plan/Preliminary Plat

3.3 Landscape Plan

3.4 Elevations

Exhibit 4-Citizen Participation Report