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ZON22-00162 District 5. Within the 9900 to 10000 blocks of East Brown Road (south side) and within the 1000 to 1200 blocks of North Crismon Road (west side). Located south of Brown Road and on the west side of Crismon Road. (8± acres) Rezone from Agricultural (AG) to Single Residence 15 with a Planned Area Development overlay (RS-15-PAD) and Site Plan Review. This request will allow for a single residence development. Jon Gillespie, Pew and Lake, applicant; Brighton Homes, owner. **(Companion case to Preliminary Plat “Geneva Villas,” associated with item *5-a)**

Planner: Joshua Grandlienard

Staff Recommendation: Approval with conditions

Summary:

Staffmember Joshua Grandlienard presented case ZON22-00162: This is for Geneva Villas. It is a Site Plan Review, as well as an associated annexation case and rezone. It is for the development of a single residence community. The subject site is located west of Crismon Road, on the south side of East Brown. As I previously mentioned with the annexation, this is currently under a Maricopa County jurisdiction. Here is the view of the site looking west from Crismon. As you can see on the west side of this photo, is on the south side of the site, you can see some major power lines, which do incumber the site. Currently it is zoned RU-43, as well as C-3 within Maricopa County. With annexation case 22-00161, the associated annexation case would get a comparable zoning to AG, and then the proposed rezone is from AG to RS-15, with a Planned Area Development Overlay. Per of the General Plan designation is a Neighborhood designation, which is to provide a safe place for people to live which includes a variety of housing that includes single residents. Per the site plan, a total of 27 lots have been provided on this eight-acre site. And they have provided amenities that included barbecue pavilion, dog run, as well as an expanded natural open space desert that is meant to preserve the existing desert space out there (and that is about 47% of the site). So, per the PAD is more of the open space than is typically required for that area and for a project of this density. Per the PAD request, in order to meet those open space requirements, they had to reduce the lot area, as well as to address the SRP easement. Within that they have reduced the lot area, as well as the lot width and depth, as well as associated setbacks, in order to meet that the building envelope as required for the Desert Upland standards. Because of the way that their product is designed, they also asked for a deviation for the garage front distance from the primary building front, just because of the way our code reads for how we measure the front setback. They can only provide one foot, rather than the required three. Here is the associated landscape plan. As part of it, they have tried to retain about 47 different plants on site. They have tried to incorporate the existing ocotillos, as well as saguaros on site in order to maintain that natural desert look. They have been planted within that vegetative area along the SRP easement, as well as within the open spaces throughout site.

Overall, the citizen participation letters were mailed out to property owners within 1000 feet, and HOAs, and registered neighborhoods within a mile. There was a neighborhood meeting held on January 4, three households for a total of five persons attended. They had general concerns

about development. Typically, with these annexation cases, there is an overall concern about neighboring properties being annexed as part of that as well. I will say, this only affects the subject property, and will only annex that portion. And you know, further discussions for future annexations will have to come through at a later time. Since I made this PowerPoint, I've had about three phone calls from concerned citizens in the area. One was the neighbor on the southwest side of the site. He has some concerns currently within the SRP easement. There is some illegal dumping taking place. So, they wanted some way to prevent that from occurring. As we are speaking with the applicant, they are looking to boulders that meet the intent of that natural open space, as well as helping to prevent that from occurring going forward. As far as the neighbors directly the south, they just had some general interest in future annexations in which I explained to them the process. But again, that would be through a future case, not through this case itself. As well, I had a phone call with David Laureanti earlier today about some general concerns, general comments about what is occurring on site like density, lot sizing, things of that nature. So based off that staff finds that the overall project complies with the 2040 General Plan criteria for Chapter 69 for Site Plan Review, Chapter 22 for Planned Area Development overlay, as well as criteria within Chapter 6, Section 5, Title 9 for Desert Uplands Development. Based off that, staff is recommending approval with conditions.

Vice Chair Villanueva-Saucedo invited David Laureanti to speak.

David Laureanti, 1218 North 101st Place Mesa, Arizona 85207 spoke: I am within that 1000 feet of the proposed plan building plan. Thank you, forgive me for my ignorance, but we received one mailing on this. And well, I spoke with Josh earlier today as he, as he stated earlier. A question about the zoning. And I saw the proposed planning. I see that the lot sizes are around 6000 square feet but, the zoning was for an RS-15. So, I don't understand that at all. But that's neither the case. My other concern was also about the traffic and the road conditions that are there. Are lanes going to be added, single lane both ways surrounding that property, both north/south and east/west on it? Just the congestion alone of such a use of land right there. I understand development. We were out here for many, many years. Mesa is going to grow. Understand that. That seems like a lot to put into such a small area. I understand they're going to be developing, or not developing the southern section due to the electrical and SRP easements there. But just wondering how this is all going to look and play out. Again, I'm not opposed to a development in there. I just think it's a little but awkward right now.

Joel Kaplan, 9852 East Elmwood Street spoke: I'll make this even shorter than three minutes. I do have the same traffic concerns that the other gentleman had. This neighborhood, in this one square block from 96th Street to Crismon, and one long block south to Elmwood to Brown is all single-family dwellings at least 1.5 acres. And that development would probably not fit. Second of all, the City has already tried an annexation one time with this whole group here, and they were turned down so that's never going to happen. Third of all, the annexation, the amount of revenue it's going to take from the City will never be recouped, in 50 years from that one little development by itself. And most of all, interestingly enough, I don't see that they have ever done an electromagnetic survey for the overhead power lines. I am very familiar with that. And I don't want to expand, because I'll be on the phone for an hour. But that is pretty important. And if you don't do that, you might have some electromagnetic problems. Normally what happens is, you

have to pay to have those lines buried under the ground instead of having them remain overhead. So that should be a serious concern to anybody who decides to purchase a home there, if this should be included. And so, the main thing really is non-annexations, never going to happen. And the City is going to lose money. And the traffic is going to be ridiculous. And it really ruins the integrity of this whole square block. And with that, I will thank you for listening to me.

Vice Chair Villanueva-Saucedo thank the speakers and invited the applicant to respond, and stated annexation is not within the purview of this board (planning and zoning board).

Applicant Sean Lake, 1744 South Val Vista responded: Here on behalf of Brighton Homes, Jaron Sweeney, who is here with me this evening. They are a local family home builder in the City of Mesa. They've been here building homes in Mesa for quite a few years. We welcome them and are glad to keep them in the community. They have done several projects here in Mesa, as well. Let me jump straight to the points. First off, this rezoning as Josh had pointed out is to rezone from C-3 Maricopa County C-3, downzoning to a residential category. And so as far as traffic goes, for the development, what is currently zoned here today versus what we're proposing would generate significantly less traffic than a C-3 development would. C-3 would be things like a fast-food restaurant, or auto sales, or a storage facility, or various different type of commercial operations. But we don't think that is viable here at this location. We think this is more of a residential area, as the neighbors pointed out. And so that is why we think the zoning is appropriate here. We will be doing offsite improvements associated with this development to both Brown and Crismon Road. And we'll be working with the City's Traffic Transportation Department to make sure those roadway improvements are done. This site has access to Brown, which is an arterial road in the City of Mesa, and also Crismon, which is an arterial road in the City of Mesa. So, from a traffic standpoint, we will not generate a substantial amount of traffic in comparison to the capacity of both of those arterial roadways. And so, we think we have excellent opportunity to disperse traffic into an arterial and that will then go into areas. We have also had the plan circulated to the Transportation Department at the City of Mesa, and they've determined there is not an issue with that. The EMC study, we have not done an EMC study. These are the large power lines that run across the City. A lot of us have lived behind them in the past. I have spoken with SRP in the past about that issue. I will say, there are different opinions on that. And I think I'll leave it at that, as far as the EMC study. But you will notice, as far as the zoning, that almost 40% of this site is going to remain vacant on that South Side. And so, we have consolidated the homes up to the north up along Brown Road, and that is where the homes will be. And then the south half of the site will remain natural desert and that is where Josh brought up the rock idea. Because we did speak with some neighbors and work with the neighbors. There is a big dumping problem on this site; we recognize that. We don't want to have our HOA have endless problems with dumping in that natural open space. And so, we're working to kind of try to close that off to address some of those neighbor's concerns. The idea that we are talking about is boulders; it fits in, but it also blocks cars. It's easier to work with SRP to do that in their easement area, because they're not the easiest jurisdiction to deal with. So, we are hoping to address everybody's comments. We've tried to address as many as we could. We think this is going to be an outstanding development. We're glad to have a local

home builder here doing these single family detached homes for sale, for people that want to live in the City of Mesa. So, we welcome that. Thank you.

Boardmember Crockett inquired: With regard to the dumping issue, is that on land that is owned by your client, or is that within the SRP easement or both?

Applicant Sean Lake responded: It is on land that my client, Brighton Homes, is purchasing from the existing property owner. There is an SRP easement and the vacant land that is been dumped on, quite frankly.

Boardmember Crockett added: And with regard to the SRP easement, isn't SRP responsible for keeping that clean or who is responsible for cleaning up the SRP easement area?

Applicant Sean Lake responded: I think, largely. "If it is to be, it's up to me," the property owner, and I'm going to stick with that.

Boardmember Crockett inquired: And just last question, with this new development do you expect that that would just naturally help the issue of dumping, because now there is going to be homes right there and people watching and paying attention?

Applicant Sean Lake responded: Absolutely, you will have a homeowner's association that will be directly to the north that will have eyes on that area. We will also have installed some type of barrier to stop that. And so, if perchance something happens, because there are all kinds of creative people out there, the HOA will have eyes on the street, and then the HOA will have a responsibility to help. Again, "if it has is to be, it's to me," they'll clean it up.

Sarah Staudinger added: Just a reminder that whoever makes that motion that there's both a revised site plan and a revised condition of approval.

Vice Chair Villanueva- Saucedo acknowledged the reminder.

Boardmember Allen motioned to approve the case ZON22-00162 with revised site plan and revised conditions of approval as discussed in the Study Session. The motion was seconded by Boardmember Peterson.

That: The Board recommends to approve case ZON22-00162 conditioned upon:

1. Compliance with all requirements of the Subdivision Regulations.
2. Compliance with the final building product types submitted with application, including elevations and materials.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for any 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. Compliance with the preliminary plat submitted.
5. Compliance with the Final Site Plan submitted.
6. 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 Phoenix-Mesa Gateway 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 Phoenix-Mesa Gateway 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. Provide written notice to future property owners that the project is within one mile of Phoenix-Mesa Gateway Airport

Vote: 5-0 (Chair Sarkissian and Boardmember Boyle, absent)

Upon tabulation of vote, it showed:

AYES – Villanueva-Saucedo, Allen, Crockett, Ayers, and Peterson

NAYS – None