



**PLANNING DIVISION**  
**STAFF REPORT**

**City Council Meeting**

**November 7, 2022**

CASE No.: **ZON22-00942**

PROJECT NAME: **Emblem**

Owner's Name:	Sunny Mesa INC
Applicant's Name:	Pew & Lake
Location of Request:	Within the 1200 to 1300 blocks of South 48th Street (both sides) and within the 4700 to 4800 blocks of East Hampton Avenue (north side). Located east of Greenfield Road and south of Southern Avenue.
Parcel No(s):	140-54-005S, 140-54-001E, 140-55-004F, 140-54-001B, 140-55-004G
Request:	Rezone from Single Residence-43 (RS-43) and Single Residence-15 (RS-15) to Multiple Residence-3 with a Planned Area Development overlay (RM-3-PAD) and Site Plan Review. This request will allow for a multiple residence development.
Existing Zoning District:	RS-43, RS-15
Council District:	2
Site Size:	15± acres
Proposed Use(s):	Multiple Residence
Existing Use(s):	Vacant
Hearing Date(s):	<b>September 28, 2022 / 4:00 p.m.</b>
Staff Planner:	Josh Grandlienard, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote: 6-0)
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **August 19, 1974**, the City Council annexed approximately 321± acres, including the western portion of the subject site, into the City of Mesa and established comparable zoning of Agriculture (AG) (Case No. Z74-052; Ordinance No. 812, 886).

On **January 20, 1986**, the City Council approved a rezone of 144± acres, including the subject property, from Agriculture (AG) to Suburban Ranch (SR)(comparable to modern RS-43) and R1-15 (now RS-15) to allow for the development of a mixed use center that included a shopping center, commercial, office, and industrial uses in addition to a variety of residential uses (Case No. Z85-151; Ordinance No. 2026).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a rezone from Single Residence-43 (RS-43) and Single Residence-15 (RS-15) to Multiple Residence-3 with a Planned Area Development overlay (RM-3-PAD) and Site Plan Review approval of an Initial Site Plan to allow for a multiple residence project. The subject site is a 15± acres parcel located on the south side of Southern Avenue just east of Greenfield Road. Per the submitted site plan, the applicant is proposing 12 buildings that are a mix of two- and three-stories for a total of 240 units, plus amenity areas that includes a clubhouse, pool, community park, and dog park.

### **General Plan Character Area Designation and Goals:**

The Mesa 2040 General Plan Character area designation on the property is Neighborhood with a Suburban Sub-type. Per Chapter 7 of the General Plan, the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. As part of the total neighborhood area, Suburban Sub-types may contain area of duplexes and other multi-residence projects. Multiple residence is a primary land use within the Suburban Sub-type. The use of RM-3 zoning is allowed as a secondary zoning district provided that a majority (more than 50%) of the character area has been established with primary zoning districts.

Staff reviewed the request and determined the proposed multiple residence community is consistent with the Neighborhood character area and meets the development review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

### **Zoning District Designations:**

The subject property is currently zoned RS-15 and RS-43. The applicant is requesting a rezone to RM-3-PAD, multiple residence uses are permitted in the RM-3-PAD zoning district.

### **PAD Overlay Modification – MZO Article 3, Chapter 22:**

The subject request includes a Planned Area Development overlay (PAD) to allow for modifications to certain required development standards of the MZO on the property. 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. Table 1 below shows the MZO required standards and the applicant's proposed PAD standards.

Table 1: Development Standards

<b>Development Standards</b>	<b>MZO Required</b>	<b>PAD Proposed</b>	<b>Staff Recommendation</b>
<u>Fences and Freestanding Walls:</u> <i>MZO Section 11-30-4(A)</i> Maximum height -Side and Rear Yards	6 feet	<b>8 feet adjacent to single residence uses</b>	As proposed

Fences and Freestanding Walls:

Per Section 11-30-4(A)(b), fences and freestanding walls located on the side or rear yards may be a maximum six feet in height. To alleviate privacy concerns the applicant is proposing to replace the existing six foot walls adjacent to single residence properties with eight-foot privacy walls. Because the wall sections are owned by the respective owners of the adjacent residential lots, unanimous approval will be required to allow construction of a continuous wall with consistent design and structural stability to current building code standards. This deviation is supported by the citizen outreach that will result in an upgraded wall that helps address perceived impacts between the two projects.

PAD Justification:

The proposed development conforms to the criteria for a PAD. Per Section 11-22-1 of the MZO, the purpose of a PAD overlay is to allow modifications to certain development standards to promote innovative design and flexibility that creates a high-quality development for the site. The submitted documents show the proposed development will be unique by having several requirements that exceed the City's requirements in many instances – such as building setbacks, open space, amenity counts, and the quality interior and exterior architectural themes and appreciation of the outdoor environment. These superior design elements are tailored to this creative and highly demanded residential uses. Overall, the proposed code deviations are commensurate with the proposed building and landscape design features.

Site Plan and General Site Development Standards:

The proposed site plan shows 12, two- and three-story multiple residence buildings with a density of approximately 17 dwelling units per acre. Two-story buildings are located along the western and southern property lines to provide a transition in density from the adjacent single residence neighborhoods. Unit types range from one-bedroom to three-bedroom; each unit containing private open space (i.e., balcony and ground-floor patio) that exceed the minimum size and dimensional requirements set forth in the Mesa Zoning Ordinance (MZO).

Primary access to the site is from 48<sup>th</sup> Street via Southern Avenue. The primary access will terminate at a gated entry drive which then leads to the proposed clubhouse and amenity area. Secondary, emergency access only is provided on the south side of the proposed site at the corner of E. Hampton Avenue and S. 48<sup>th</sup> Street. Per Section 11-32-3 of the MZO, 521 spaces are required for the proposed development. The site plans shows 523 spaces, including 178 covered parking spaces.

Overall, the proposed site plan, with the accompanying PAD deviations described below, conforms to the requirements of the MZO including the review criteria for Site Plan Review in Section 11-69-5 of the MZO.

**Design Review:**

The Design Review Board reviewed the subject request on July 12, 2022. Overall, the Board was very supportive of the proposed design. Staff will be working with the applicant to address minor comments and recommendations from the Design Review Board that do not affect the proposed site plan.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> RS-15-PAD Single Residences	<b>North</b> Currently RS-43 (Proposed RM-4-PAD)	<b>Northeast</b> RS-15 Church
<b>West</b> RS-15-PAD Single Residences	<b>Subject Property</b> RS-43/RS-15 Vacant/existing agricultural uses	<b>East</b> PS School
<b>Southwest</b> RS-15-PAD Single Residences	<b>South</b> RS-15-PAD Single Residences	<b>Southeast</b> (Across E. Hampton Avenue) RS-6-PAD Single Residences

**Compatibility with Surrounding Land Uses:**

The subject site is currently vacant with the exception of some former agricultural use buildings. To the north of the site is the proposed age-restricted multiple residence development (ZON22-002365). To the west and south of the site are single residences. East of the site is an existing school and church. The proposed multi-residential development is compatible with the surrounding development and land uses.

**School Analysis:**

Staff did not receive a response from the Mesa Public Schools District regarding the anticipated impact and capacity to nearby schools.

**Neighborhood Participation Plan and Public Comments:**

The applicant completed a Citizen Participation Process which included mailing letters to property owners within 1,000 feet of the site as well as HOAs within ½ mile, and registered neighborhoods within one mile of the site. Staff has been contacted by several neighbors stating their concern of oversaturation of multiple residence uses in the area and traffic impacts.

As a part of their Citizen Participation Process, the applicant held two neighborhood meetings via Zoom on January 20<sup>th</sup> and May 9, 2022. Topics raised by neighbors were: (1) Traffic concerns, specifically south of the property where Hampton Avenue and 48<sup>th</sup> Street merge; (2) Density; and (3) Building height and visibility in adjacent properties as well as visibility into the adjacent school playground. The applicant also participated in at least 12 individual meetings with various neighbors to discuss the proposed project and ways they could address concerns.

As a result of their public outreach, the applicant made several design changes to the proposed project. To alleviate traffic concerns along Hampton Avenue and 48<sup>th</sup> Street, the applicant worked with the City of Mesa Fire Department to change an initially planned access along Hampton Avenue to a secondary emergency only access. This access will be gated with access to emergency vehicles only. In addition, the approach to the emergency gate from within the development was designed as an accessible landscape yard to provide the typical aesthetics of a landscape area, rather than a drive aisle, but with materials that can withstand and provide emergency access. To address concerns regarding density the number of units was reduced from 288 to 248 units. This was accomplished by reducing the height of the buildings adjacent to the neighborhoods from three to two-stories. The reduction in height in returned also helped address concerns with the height of the building and adjacent property owner privacy. To further address privacy concerns, the applicant is requesting a deviation to the maximum wall height in order to replace the existing privacy walls along adjacent to the single residence properties with an eight-foot wall. Lastly the applicant shifted building more east into the site to provide a greater landscape yard and create multiple layers of screening.

Staff will provide the Board with any new information during the scheduled Study Session on September 28, 2022.

#### **Staff Recommendations:**

Based on the application received and the preceding analysis, staff finds the subject request is consistent with the Mesa 2040 General Plan, the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO, and meets the review criteria for a Planned Area Development outlined in Section 11-22-5 of the MZO; therefore, staff recommends approval with the following conditions:

#### **Conditions of Approval:**

1. Compliance with the final site plan, landscape plan, elevations, and construction documents submitted.
2. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
3. Prior to issuance of any building permit, the applicant must record a lot line adjustment with Maricopa County to accommodate the proposed development.
4. Compliance with all requirements of DRB22-00439.
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:

<b>Development Standard</b>	<b>Approved</b>
<u>Fences and Freestanding Walls:</u> <i>MZO Section 11-30-4(A)</i> Maximum height -Side and Rear Yards	8 feet adjacent to single residence uses

**Exhibits:**

Exhibit 1- Vicinity Map

Exhibit 2- Staff Report

Exhibit 3-Application Information

3.1 Site Plan

3.2 Grading and Drainage Plans

3.3 Landscape Plan

3.4 Elevations

3.5 Project Narrative

3.6 Line of Sight

3.7 Citizen Participation Plan

Exhibit 4-Citizen Participation Report

4.1 Letters of Support