



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

**City Council Meeting**

**January 9, 2023**

CASE No.: **ZON22-00429**

PROJECT NAME: **Merwin Residence**

Owner's Name:	Merwin Family Trust
Applicant's Name:	Meredith Thomson, Architect, Candelaria Design Associates, LLC.
Location of Request:	Within the 1400 block of North Val Vista Drive (east side) and within the 3600 block of East Huber Street (north side). Located east of Val Vista Drive and north of Huber Street.
Parcel No(s):	141-31-004C and 141-31-004F
Request:	Rezone from Agricultural (AG) to Single Residence-35 (RS-35) District. To allow for the development of a single residence.
Existing Zoning District:	Agricultural (AG)
Council District:	2
Site Size:	4.7± acres
Proposed Use(s):	Single Residence
Existing Use(s):	Vacant
P&Z Hearing Date(s):	<b>December 14, 2022 / 4:00 p.m.</b>
Staff Planner:	Charlotte Bridges, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote 5-0)
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **September 24, 1979**, the City Council annexed approximately 2,225± acres of property, including the subject site, into the City of Mesa and subsequently zoned the property Agricultural (AG) (Ordinance No. 1277; Case No. Z80-018, Ordinance No. 1313).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a rezone of the subject site from Agricultural (AG) to Single Residence-35 (RS-35) to allow the development of a single residence. The site is located at the northeast corner of East Huber Street and North Val Vista Drive and consists of two parcels. Currently, the west half of the subject site is a citrus grove and the east half contains a single residence. The applicant desires to combine the two lots and demolish the existing single residence to accommodate the proposed single residence and its associated amenities. The existing parcels are currently legal non-conforming as they do not meet the minimum lot size requirements for an AG parcel (10-acres). In order to combine the parcels and redevelop in accordance with Mesa Zoning Ordinance (MZO) the applicant must rezone the property. For reference, a proposed site plan (Exhibit 3.2) is included the Planning and Zoning Board information packet. However, per Section 11-69-2(A) of the Mesa Zoning Ordinance (MZO), site plan review is not required for the development of a single residence.

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

The subject site is located in the Neighborhood character area designation with a Citrus Sub-type. Per Chapter 7 of the Mesa 2040 General Plan, this character type is characterized as having large lots with single-residence homes surrounded by citrus trees and other large-leaf foliage and trees planted along the streets (pg. 7-6).

The site is also located within the Citrus Sub-Area Plan. Per the Sub-Area Plan, the purpose of the area is to provide for estate-type residential uses and characteristics associated with large lot, residential development. The intent of the district is also to encourage further transition to urban-type single residence uses from large lot, semi-rural residential. The Plan states that RS-35 zoning be used to promote and encourage custom home development. The Citrus Sub-Area Plan also states that the rural citrus character of the area should be maintained as much as possible. The Plan contains design guidelines for the preservation and planting of citrus landscaping. Per the Plan, residential developments should preserve or plant two rows of citrus along arterial streets, one row of citrus trees along local streets, and side and rear property lines, and a minimum of four citrus trees in the front area of the lot. As shown on the site plan (Exhibit 3.2), the applicant is proposing to retain at least two rows of citrus trees along Val Vista Drive and Huber Street, and one row of citrus trees along the north and east property lines.

The requested zoning complies with the residential development guidelines outline in the Citrus Sub-Area Plan. These guidelines state that all new residential development within the sub-area should be on RS-35 zoned lots and the City should promote and encourage custom home development. The applicant is proposing a custom home lot exceeding the area requirements for the RS-35 zoning district.

### **Zoning District Designations:**

Per Section 11-5-2 of the Mesa Zoning Ordinance (MZO), the proposed use of the property for a single residential use is permitted in the RS-35 zoning designation.

Airfield Overlay – Mesa Zoning Ordinance (MZO) Article 3, Section 11-19:

Per Section 11-19 of the MZO, the property is located within the Airfield (AF) Overlay District. Specifically, within the Airport Overflight Area Three (AOA 3). The location of the property within AOA 3 is due to its proximity to the Falcon Field Airport. Per Section 11-19 of the MZO, the AOA 3 area has no restrictions for residential uses.

Surrounding Zoning Designations and Existing Use Activity:

<b>Northwest</b> (Across Val Vista) AG Citrus Grove	<b>North</b> RS-35 Single Residence	<b>Northeast</b> RS-35 Single Residence
<b>West</b> (Across Val Vista) AG Existing Citrus Grove	<b>Subject Property</b> AG Existing Citrus Grove and Single Residence	<b>East</b>  RS-35 Single Residence
<b>Southwest</b> (Across Val Vista) RS-35 PAD Single Residence	<b>South</b> RS-35 Single Residence	<b>Southeast</b> RS-35 Single Residence

Compatibility with Surrounding Land Uses:

The subject site is bordered by single residences similarly zoned RS-35 to the north, east, and south. The proposed use will be compatible with the surrounding single-family dwellings and uses.

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 a half-mile, and registered neighborhoods within one mile of the site. The applicant held a neighborhood meeting on June 16, 2022. Per the summary of the neighborhood meeting included in the Citizen Participation Report, the only neighborhood concern was with the installation of the required Huber Street improvements. The north side of Huber Street is required to be finished as a “local street” per City of Mesa Standard Detail M-19.01 (34-feet, face-of-curb to face-of-curb) with curb, gutter and sidewalk along the subject property frontage. Plans for the improvements to Huber Street will be reviewed as part of the building permit. The applicant informed the neighbors that the street improvement work would not be done until the rezone was approved, permits were issued, and an experienced contractor was hired. As of writing this report, neither the applicant nor staff has received any additional comments/concerns from surrounding property owners.

School Impact Analysis:

A request for a School Impact Analysis was sent to the Mesa Public School District. As of the writing of this report, a response had not been received.

**Staff Recommendations:**

Based on the preceding analysis, staff finds that the requested rezone is in compliance with the Mesa 2040 General and the Citrus Sub-Area Plan; therefore, staff recommends approval of the request with the following conditions:

**Conditions of Approval:**

1. Compliance with all City development codes and regulations.
2. 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.
3. Provide a minimum of two rows of citrus trees along Val Vista Drive, one row of citrus trees along Huber Street, one row of citrus trees along the north and east property lines, and maintain at least four citrus trees within the front yard between the house and the front property line along Val Vista Drive.
4. Prior to the issuance of any building permit record a lot combination to combine parcels 141-31-004C and 141-31-004F.
5. Prior to the issuance of any building permit, approval of Administrative Review application requesting alternative compliance to allow a combined driveway width of 34 feet along Val Vista Drive and 20 feet along Huber Street.
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 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 one, and a half mile of Falcon Field Airport

**Exhibits:**

Exhibit 1 – Staff Report

Exhibit 2 – Vicinity Map

Exhibit 3 – Application Information

3.1 Project Narrative

3.2 Site Plan

3.3 Grading and Drainage Report

3.4 Citizen Participation Plan

Exhibit 4 – Citizen Participation Report