



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

**Planning and Zoning Board**

**January 25, 2023**

CASE No.: <b>ZON22-01024</b>		PROJECT NAME: <b>Lemon Lane</b>
Owner's Name:	Forever 7 LLC	
Applicant's Name:	Jared Cox	
Location of Request:	Within the 3700 to 3800 blocks of East McLellan Road (south side). Located south of McLellan Road and east of Val Vista Drive.	
Parcel No(s):	141-31-022D	
Request:	Rezone from Single Residence-35 with a Planned Area Development overlay (RS-35-PAD) to Single Residence-35 with a Planned Area Development overlay (RS-35-PAD). This will allow for a single-residence development. Also consider a preliminary plat for "Lemon Lane".	
Existing Zoning District:	RS-35 PAD	
Council District:	2	
Site Size:	10± acres	
Proposed Use(s):	Residential	
Existing Use(s):	One single-family residence	
P&Z Hearing Date(s):	January 25, 2023 / 4:00 p.m.	
Staff Planner:	Samantha Brannagan, Planner II	
Staff Recommendation:	Approval with Conditions	

**HISTORY**

**On August 25, 1979**, the subject property was annexed into the City of Mesa as part of a greater 2,225± acre area and subsequently zoned Single-Residence-35 (Ordinance No. 1277; Case No. Z80-018).

**On March 19, 2021**, the City County approved a rezone from Agriculture (AG) to Single-Residence-35 with a Planned Area Development Overlay (RS-35-PAD) for the development of two single-residence subdivision (Ordinance No. 5614; Case No. ZON20-00628).

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting to rezone 10± acres from Single Residence-35 with a Planned Area Development overlay (RS-35-PAD) to RS-35-PAD and approval of a preliminary plat to allow for a single residence subdivision. The subject property is currently zoned RS-35-PAD and received approval of a preliminary plat for a two-lot subdivision. That existing PAD allowed for deviations from the minimum lot width requirement and allowed for a private road; however, the plat was never finalized or recorded.

The property currently contains one single-family residence. This residence will be demolished prior to development of the proposed seven lot subdivision. The applicant is requesting a Planned Area Development overlay (PAD) to deviate from development the maximum fence height requirements and in order to accommodate a private road.

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

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood Character Area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods may contain a wide range of housing options and often have associated nonresidential uses such as schools, parks, places of worship, and local serving businesses.

The property is also located within the Citrus Sub-Area, with the intent to provide estate-type residential uses and characteristics associated with large lot development. Furthermore, the Citrus Sub-Area Plan intends for the rural citrus character of the area be maintained as much as is feasible and new developments to be compatible with existing custom-built homes and citrus style landscaping. The proposed rezone and single-residence development conforms to the goals of the Neighborhood Character Area as well as the Citrus Sub-Area.

### **Zoning District Designations:**

The property is currently zoned Single-Residence-35 with a Planned Area Development (RS-35-PAD). Per Section 11-5-1(B)(1) of the MZO, the purpose of residential zoning districts is to provide for a variety of housing types and related uses. The proposed single-residence subdivision is permitted in the RS-35 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 11-22-1 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

Development Standards	MZO Required	PAD Proposed	Staff Recommendation
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Maximum Fence Height – <i>MZO Section 11-30-4</i>	6 feet	<b>8 feet</b>	As proposed
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**Maximum Fence Height:**

Per Section 11-30-4 of the MZO, the maximum fence height in the RS-35 zoning district is 4.5 feet in the front building setback and six feet in the side and rear building setback. The applicant is proposing an eight-foot perimeter block wall. Per the submitted narrative, safety, and security are the main concern for these lots. The applicant states that a maximum six-foot wall, as allowed by the MZO, is easy to scale and/or look over. The request for the increased wall height is also to mitigate sound from East McLellan Road. Other subdivisions in the Citrus Sub-Area have been previously approved for eight-foot-high perimeter walls.

**Justification:**

To accommodate this deviation, the applicant is proposing enhanced building materials for the block wall. Specifically, it will include a six-inch decorative terracotta tile cap within the eight feet, with a smooth, white stucco finish and accents of terracotta tile on the columns. There will also be a separate pedestrian gate for easy ingress and egress at scale.

**Lots and Subdivisions:**

Per Section 11-30-6(H) of the MZO, every lot shall have frontage on a dedicated public street unless a Planned Area Development is approved to allow such lots to front a private street system. The PAD with this request will allow private streets. As shown on the proposed site plan and on the Preliminary Plat, Tract A is a private 30-foot-wide road that will provide access to and from McLellan Road and the seven proposed lots. The width of the private road will allow for parking on one-side and will be maintained by a Homeowners' Association.

Overall, the proposed development conforms to the criteria for a PAD. Per Section 11-22 of the MZO, the purpose of a PAD is to encourage unique, innovative developments of superior quality. The configuration of the proposed lots facing an internal street system will improve interaction between residents and strengthen the community. Additionally, the proposed landscaping of citrus and evergreen elm trees will exceed the minimum required along McLellan Road to provide more lush surroundings and increased privacy for residents. Furthermore, enhanced communal amenities will be provided including a playground area, ramada, and basketball and tennis courts at the center of the development.

**Site Plan and General Site Development Standards:**

The property currently has one (1) existing single-family residence, which will be demolished prior to development. Lots are proposed to range from 40,048 to 45,625 in size. The proposal will also provide a basketball court, tennis court, and ramada for use by property owners. As the subject lot is within the Citrus Sub-Area, the applicant proposes two citrus trees planted along the proposed monument wall flanked by evergreen elm trees, with a total of 28 citrus trees along McLellan Road, and a line of citrus trees around each individual lot. Access to the proposed lots will be from McLellan Road via a private road and gated entrance.

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

<b>Northwest</b> (Across McLellan Road) RS-35 Single Residence	<b>North</b> (Across McLellan Road) RS-35 Single Residence	<b>Northeast</b> (Across McLellan Road) RS-35 Single Residence
<b>West</b> AG Single Residence	<b>Subject Property</b> RS-35 PAD Vacant	<b>East</b> RS-35 PAD Single Residence
<b>Southwest</b> RS-35 Single Residence	<b>South</b> RS-35 Single Residence	<b>Southeast</b> RS-35 PAD Single Residence

**Compatibility with Surrounding Land Uses:**

The subject site is currently vacant. The neighboring parcel to the west is zoned Agriculture (AG). All other neighboring properties, including those across McLellan Road, are in the same RS-35 zone as the subject parcel. As such, the request for a new single-residence subdivision will not be out of character with the surrounding area.

**Preliminary Plat:**

The applicant is requesting Preliminary Plat approval to subdivide the current 10± acre parcel into seven (7) lots. 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. This review includes the evaluation of the overall design of the subdivision and details, such as development standards utilities layout, and retention requirements. The Preliminary Plat is reviewed and approved by the Planning & Zoning Board. If preliminary has been approved, all plats are subject to Final Plat approval by City Council. Overall, the subject request meets the review criteria for approval of a Preliminary Plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations.

Additionally, the Preliminary Plat declares the streets in the subdivision to be private. Per Section 9-6-3(B)(10) of the Subdivision Regulations, if private streets are approved, statements shall be contained on the plat and in both the deed restrictions and the homeowners' association by-laws that those streets are declared private, subject to an easement authorizing use by emergency and public service vehicles and remain the permanent responsibility of the homeowners' association.

**Neighborhood Participation Plan and Public Comments:**

The applicant sent the required notification letters to all property owners within 1,000 feet of the site as well as HOAs and registered neighbors within one mile of the site. As of this report, staff has not been contacted by any resident to express support or opposition to the request.

**Staff Recommendation:**

Based upon the application received and preceding analysis, Staff find that the requested single residence subdivision complies with the Mesa 2040 General Plan, the criteria for a Preliminary Plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations, the criteria in Section 11-30-6 of the MZO regarding lots and subdivisions, and meets the review criteria for a

Planned Area Development (PAD) outlined in Section 11-22-3 of the MZO; therefore, staff recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the Preliminary Plat 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. Compliance with the Building Form Standards outlined in Chapter 5 of the Zoning Ordinance as well as the Residential Development Guidelines.
5. Prior to submitting for a building permit for any of the homes, Administrative Review and approval is required for the design of all of the proposed homes.
6. Prior to commencing any construction of the perimeter wall, submit for review and receive approval from the Building Division for the perimeter wall.
7. Prior to the application for any building permit, compliance with the Development Agreement of the Terms and Conditions for the Sale of Utility Service Within Mesa's Corporate Limits dated May 14, 1997, as recorded in the Official Records of Maricopa County as Document No. 97- 0320857, including the requirements related to an In Lieu Payment.
8. Compliance with all City development codes and regulations, except the modification to the development standards as approved with this PAD as shown in the following table:

<b>Development Standards</b>	<b>Approved</b>
<u>Maximum Fence Height</u> – <i>MZO Section 11-30-4</i>	8 feet

**Exhibits:**

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Application Information
  - 3.1 Preliminary Plat
  - 3.2 Site Plan
  - 3.3 Landscape Plan
  - 3.4 Project Narrative
  - 3.5 Citizen Participation Plan
- Exhibit 4 – Citizen Participation Report