



PLANNING DIVISION
STAFF REPORT

City Council Meeting

January 23, 2023

CASE No.: ZON21-00129	PROJECT NAME: Sweetwater
Owner's Name:	GUNNING MARK S/RON BAILLY TRUST
Applicant's Name:	Ryan Nelson, Sweetwater Companies
Location of Request:	Within the 2200 to 2400 blocks of East McDowell Road (south side). Located east of Gilbert Road on the south side of McDowell Road.
Parcel No(s):	141-06-253B
Request:	Rezone from Single Residence 43 (RS-43) and Single Residence 43 with Historic Landmark Overlay (RS-43-HL) to Multiple Residence 4 with a Planned Area Development Overlay (RM-4-PAD) and Site Plan Review to allow for a multiple residence development with associated commercial use.
Existing Zoning District:	Single Residence 43 (RS-43) and Single Residence 43 with a Historic Landmark overlay (RS-43-HL)
Council District:	1
Site Size:	9.0± acres
Proposed Use(s):	Multiple Residence
Existing Use(s):	Vacant
P&Z Hearing Date(s):	July 27, 2022 / 4:00 p.m.
Staff Planner:	Cassidy Welch, Senior Planner
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote 5-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **May 6, 1978**, the City Council approved annexation of 460± acres of property from Maricopa County into the City of Mesa (Ordinance No. 1511).

On **November 20, 1978**, the City Council approved a rezoning of 280± acres, including the 9.0± acre subject site from Maricopa County Single Residence 43 (RU-43) to City of Mesa Agriculture

(AG) to establish City of Mesa zoning on the annexed property (Case No. Z78-097; Ordinance No. 1189).

On **February 7, 1981**, the City Council approved a rezoning of 22± acres, including the subject site, from Agriculture (AG) to Single Residence 43 (RS-43) (Case No. Z81-003; Ordinance No. 1460).

On **August 6, 2001**, the City Council approved a rezoning of 3.85± acres of the site from Single Residence 43 (RS-43) to Single Residence 43 with a Historic Landmark overlay (RS-43-HL). The Historic Landmark Overlay designation was established based upon the significance of the site as one of the few remaining farm properties constructed in a Folk Vernacular style and its association with the Crismon family - one of the early pioneer families of the City (Case No. Z01-032; Ordinance No. 3914).

In **April 2006**, the Historic Preservation Officer in conjunction with City staff granted a request for demolition permits necessary to demolish the structures on the property.

In **April 2010**, the Historic Preservation Board unanimously voted to recommend removal of the Crismon Farmstead HL Overlay on the basis that the overlay was no longer necessary, as the buildings on the property had been removed. However, that case did not go on to be heard by the Planning and Zoning Board or City Council.

On **October 27, 2021**, the Planning and Zoning Board recommended denial of a rezoning from RS-43 and RS-43-HL to RM-5-PAD to allow development of a multiple residence development. The case was not heard by City Council (ZON21-00129).

On **July 27, 2022**, the Planning and Zoning Board approved a Special Use Permit to allow for a 1,499 square foot limited-service restaurant in a residential zoning district and recommended approval of the subject Rezone and Site Plan to City Council (ZON21-00129).

PROJECT DESCRIPTION

Background:

The applicant is requesting to Rezone the property from RS-43 and RS-43-HL to RM-4-PAD and Site Plan Review approval of an Initial Site Plan to allow the development of multiple residence on the property.

The applicant is proposing a 222-unit multiple residence development which includes a 1,499 square foot limited-service restaurant and retail space. Per Section 11-5-2 of the MZO, a Special Use Permit (SUP) is required for limited-service restaurants and general retail sales in the RM-4 zoning district, provided the location is coterminous to an intersection of an arterial street with a local or collector street, and the aggregate maximum gross floor area is less than 1,500 square feet in floor area, exclusive of any residential uses.

At the July 27, 2022, Planning and Zoning Board meeting, the Board voted 5-0 to approve the requested SUP to allow for a the limited-service restaurant and retail space as part of the overall development and recommended approval of the subject rezone and site plan to City Council.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property is Neighborhood with a Suburban Sub-type. Per Chapter 7 of the General Plan, the Suburban character type is the predominant neighborhood pattern in Mesa and primarily consists of single residence. However, as part of a total neighborhood area, the character area may also contain areas of duplexes and other multiple residence and commercial uses along arterial frontages and at major street intersections.

The proposed development of the site for a multiple residence development conforms to the goals of the Neighborhood character area designation. The use will add to the diversity of housing types envisioned in the character area designation and improve the streetscape along McDowell Road. Also, the design of the site, such as creating a common usable community space, conforms to the form and design guidelines outlined for such development in the Neighborhood character area and outlined in Chapter 7 (page 7-14) of the General Plan. 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 subject request is to rezone the property from RS-43 and RS-43-HL to RM-4-PAD. Per Section 11-5-1 of the Mesa Zoning Ordinance, the purpose of the RM District is to provide areas for a variety of housing types at densities of up to 43 units per gross acres. Currently, the property is zoned RS-43 and RS-43-HL. The Historic Landmark overlay designation, as discussed earlier, was approved by the City Council in 2001 to commemorate the location of the Crismon Farm Homestead. However, because of the demolition of the historic structures on the property, the HL designation is no longer pertinent to development of the property. Also, on June 1, 2021, the Historic Preservation Board recommended removal of the HL overlay from the property as the historic structures have been removed. The subject request is to rezone the property from the existing RS-43 and RS-43-HL to RM-4 with a PAD Overlay which will remove the existing Historic Landmark overlay.

Planned Area Development Overlay:

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. Table 1 below shows the MZO required standards and the applicant's proposed PAD standards.

Table 1: Development Standards

MZO Development Standards	Required	Proposed	Staff Recommendation
<u>Maximum Fence Height</u> – MZO Section 11-30-4(B)(1)(a) -Front Yards and Required Street Side Yards	No fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 3.5-feet.	No fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 6 feet	As proposed
<u>Required Parking Spaces</u> – MZO Section 11-32-3(A)	2.1 spaces per unit (466 total spaces)	1.8 spaces per unit (404 total spaces)	As proposed
<u>Covered Parking Spaces</u> – MZO Section 11-32-3(D)(2)	1 space per unit (222 total spaces)	0.98 spaces per unit (217 total spaces)	As proposed
<u>Required Landscape Yard</u> – MZO Section 11-33-3(B)(1) -Non-single residence uses adjacent to single residence (south property line)	25 feet	15 feet	As proposed
<u>Required Foundation Base</u> – MZO Section 11-33-5(A)(1) - Exterior walls with public entrance	15 feet	10 feet	As proposed
<u>Required Landscape Islands</u> – MZO Section 11-33-4 (B)(6)	Adjoining (parking) canopies shall be separated by at least a 24-foot-wide landscape island	Adjoining (parking) canopies shall be separated by at least an 8-foot-wide landscape island	As proposed

Maximum Fence Height in Front Yards:

Per Section 11-30-4(B)(1)(a) of the MZO, the maximum height of fences or walls allowed within or along the boundary of the front yard of the property is 3.5 feet. Based on this requirement, the maximum fence height allowed on the section of the development adjacent to McDowell Road is 3.5 feet. The applicant is requesting to construct a six-foot CMU wall along McDowell Road. According to the applicant, the requested height increase is to allow for a secure perimeter along McDowell Road.

Required Parking Ratio:

Per Section 11-32-3(A) of the MZO, 2.1 parking spaces per unit is required for multiple residence developments. Based on this requirement, a minimum of 466 spaces are required for the proposed development of 222 units. The applicant is requesting a reduction to the parking ratio from 2.1 space per unit to 1.8 spaces per unit, which equates to providing a total of 404 parking spaces for the residential component of the site. The applicant conducted a parking demand study. According to the applicant, the proposed parking ratio is consistent with other multiple residence developments approved in various areas within the Metro Area, as well as recent multiple residence developments within the city and the provision of 133 one-bedroom units will have a lower parking demand than two-and three-bedroom units.

Covered Parking:

Per Section 11-32-3(D)(2) of the MZO, one covered parking space per unit is required for multiple residence developments. Based on the 222 proposed units, 222 covered parking spaces are required for the development. The applicant is requesting a reduction in the number of covered parking spaces. Specifically, the applicant is requesting 0.98 covered spaces per unit, for a total of 217 covered parking spaces. There are two large water line easements that run through the subject property, one along the northern property line and one along the southern property line adjacent to the South Canal. These easements have specific language that allows for parking in these areas but does not allow for covered parking structures. Based on these restrictions, there are large areas of the proposed parking areas on the site that cannot be developed with covered parking spaces.

Required Landscape Yards:

Per Section 11-33-3(B)(1) of the MZO, a 25-foot landscape yard is required along all boundaries of the property adjacent to single residence uses. The applicant is requesting a reduction in the required landscape yard from 25 feet to 15 feet along the southern property line. There are two canals south of the property in between the proposed development and the adjacent single residence neighborhood, providing approximately 270 feet of separation between the two uses. In addition, the existing residential development to the south is located at the top of a hill at a grade approximately 50 feet higher than the subject property.

Required Foundation Base:

Per Section 11-33-5 (A)(1) of the MZO, exterior walls with a public entrance are required to provide 15 feet of foundation base. The applicant is proposing 10 feet of foundation base landscaping. The proposed reduction in foundation base allows for the development to meet fire code requirements for distance between the fire lane within the development and the proposed

building. From submitted landscape plan, the applicant is providing enhanced amenity area and landscaping throughout the site, which add to the quality of the development.

Required Landscape Islands:

Per Section 11-33-4 (B)(6) of the MZO, when covered parking canopy structures are adjacent to each other in a single row, the total length of each canopy shall not exceed 15 parking stalls and the adjoining canopies shall be separated by at least a 24-foot-wide landscape island. The applicant is requesting a reduction of the landscape island width between adjoining parking canopies from 24-feet-wide to eight-feet-wide. According to the applicant, the requested reduction is due to an existing water easement on the property and the irregular shape of the property. The reduced dimensions will help to accommodate the proposed covered parking locations.

Justification:

The request for a Planned Area Development (PAD) is to allow certain modifications to the City's development standards on the property. The submitted application documents, including the building elevations and site plan, show the proposed development will be unique and consists of innovative design standards such as using high-quality façade building materials and incorporating common open space areas within the development that exceeds the City's standard requirements.

Site Plan and General Site Development Standards:

The proposed site plan shows development of a 222-unit multiple residence development with primary vehicular access located on McDowell Road to the north of the property. The site plan shows the development of one multiple residence building on the property, which is proposed to be three stories in height. In addition to the residential development, the applicant is proposing a 1,499 square foot limited-service restaurant and retail space within the building that will be accessible to both residents and the general public.

The proposed site plan also shows development of a centrally located common open space and amenity area with amenities that includes a swimming pool, a spa area, a clubhouse, a fitness center, a ramada and fireplace, and a hammock court. The site plan also shows three connections to the existing horse and pedestrian trail located along the South Canal south of the proposed development.

Design Review:

The Design Review Board reviewed the subject request on October 12, 2021. Staff will be working with the applicant to address comments and recommendations from the Design Review Board.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across the Loop 202 Freeway) RS-43 Valley Metro Park and Ride	North (Across McDowell Road) AG Vacant	Northeast (Across McDowell Road) RS-43 Vacant
West Loop 202 Freeway	Subject Property RS-43 and RS-43-HL	East (Across McDowell Road)

	Vacant	RS-43 Vacant
Southwest (Across the South Canal and Eastern Canal) RS-15 Residential	South (Across the South Canal and Eastern Canal) RS-15 Residential	Southeast (Across the South Canal and Eastern Canal) RS-15 Residential

Compatibility with Surrounding Land Uses:

North of the subject site is vacant land and a Valley Metro Park-N-Ride. South of the subject site are single residences. There is a 270± acre buffer separation between the proposed development and the existing residential homes. Specifically, the buffer consists of the South Canal and the Eastern Canal between the subject property and the residential development. In addition to the buffer, the existing single residence development is situated on a hill at a grade approximately 50 feet above the subject property. The location of the parcel adjacent to McDowell Road, Gilbert Road and the Loop 202 freeway make it an ideal location for higher density residential, as any increase in traffic volumes will have minimal impact on existing development in the area. The grade differential between the subject property and the surrounding properties will also help to mitigate any potential negative impacts, such as noise and lighting, generated from the proposed use.

The proposed development conforms to the goals of the Neighborhood character and the RM-4 zoning designation to provide a stable and diverse neighborhood. Overall, the proposed development will be compatible to the surrounding community and help enhance the appearance of the immediate vicinity.

Neighborhood Participation Plan and Public Comments:

The applicant completed a robust Citizen Participation Process, which included mailing letters to property owners within 500 feet of the site, as well as HOAs within ½ mile, and registered neighborhoods within one mile of the site.

Before submitting a formal application, the applicant held several neighborhood meetings to discuss the project. As a result, the project was revised between the Pre-submittal application to the formal rezone and site plan application to reduce the number of units from 320 to 262 units.

Prior to the October 2021 Planning and Zoning hearing, staff received 17 emails and a petition with 28 signatures from neighbors south of the subject site. The major concerns from residents at the time included: (1) Building height; (2) Density; and (3) Traffic. The applicant continued to meet with the neighbors to discuss further modifications to the proposed project and worked with neighbors on a good neighbor policy and additional conditions of approval to be added to the project. As a result the project was further modified to reduce the number of units from 262 to 222 units and to reduce the height from four-stories to three-stories. Before the October 27, 2022 Planning and Zoning Board meeting, neighborhood representatives south of the project withdrew their opposition for Case No. ZON21-00129.

At the October of 2021 Planning and Zoning Board meeting a second petition containing 150 signatures from neighbors north and west of the project was submitted for Case No. ZON21-00129. Numerous neighbors came to speak on the item. The major concerns were: (1) Traffic; (2) the Roundabout; (3) Density; and (4) Compatibility.

In response to the neighborhood opposition and the recommendation of denial from the Planning and Zoning Board, the applicant further revised their plans to eliminate all three-bedroom units and changed their zoning request from RM-5 to RM-4.

At the July 22, 2022, approximately 34 residents spoke or submitted online comment cards in opposition to Case No. ZON21-00129. Staff continued to receive neighborhood concern regarding the use of a roundabout on McDowell Road, compatibility with the surrounding area, and concerns with density and traffic.

Staff Recommendation:

Based on the application received and the preceding analysis, staff finds that the requested rezone and Site Plan Review are consistent with the Mesa 2040 General Plan, the purpose for a Planned Area Development overlay outlined in Section 11-22-1 of the MZO, and Site Plan Review criteria outlined in Section 11-69-5 of the MZO.

Staff recommends approval with conditions as presented to the Planning and Zoning Board on July 27, 2022, with an additional condition (**condition #7 below**) that the applicant execute and comply with development agreement that was initiated between the applicant and the City after the July 27 Planning and Zoning meeting.

Conditions of Approval:

1. Compliance with the final site plan submitted, including:
 - a. The total number of residential units within the development shall not exceed 222 units.
2. Compliance with Design Review Case Number DRB21-00135, including:
 - a. No building shall be taller than three-stories and shall not exceed a height of 39'-6".
 - b. The maximum finished floor level of buildings shall not exceed 1,259'-6".
 - c. Building elevations shall be four-sided architecture as reviewed and recommended by the Design Review Board (DRB) and approved by the Planning Director.
 - d. In all instances, building materials for development of the property shall be of high-quality, durable, and visually appealing as shown with the proposed building elevations reviewed by the DRB and approved by the Planning Director.
 - e. Trees planted along the southern drive aisle as shown on the landscape plan shall be located outside the 24-foot-wide water line easement located along the southern boundary of the property.
 - f. Trees to be planted along the southern drive aisle, at a minimum, shall consist of:
 - i. 50-percent two-inch caliper canopy drought-tolerant trees
 - ii. 50-percent three-inch caliper larger canopy drought-tolerant trees.
 - g. No lit signage shall be installed on the south façade of the building.
 - h. On-site lighting shall not exceed zero-foot-candle at the development's property line.
3. Compliance with the Good Neighbor Policy dated October 12, 2021.

4. 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.
5. Prior to submittal of a building permit, submit documentation to the City's Historic Preservation Office for review and approval. The documents must show interpretation strategies that communicates the site's history to residents and visitors to the site, including, but not limited to, historical photos or a plaque memorializing the site.
6. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with the PAD overlay and shown in the following table:

MZO Development Standards	Approved
<u><i>Maximum Fence Height</i></u> – MZO Section 11-30-4(B)(1)(a) -Front Yards and Required Street Side Yards	No fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 6 feet
<u><i>Required Parking Spaces</i></u> – MZO Section 11-32-3(A)	1.8 spaces per unit (404 total spaces)
<u><i>Covered Parking Spaces</i></u> – MZO Section 11-32-3(D)(2)	0.98 spaces per unit (217 total spaces)
<u><i>Required Landscape Yard</i></u> – MZO Section 11-33-3(B)(1) -Non-single residence uses adjacent to single residence (south property line)	15 feet
<u><i>Required Foundation Base</i></u> – MZO Section 11-33-5 (A)(1) - Exterior walls with public entrance	10 feet
<u><i>Required Landscape Islands</i></u> – MZO Section 11-33-4 (B)(6)	Adjoining (parking) canopies shall be separated by at least an 8-foot-wide landscape island

7. Execute and comply with the development agreement DA23-00002.

Exhibits:

Exhibit 1-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3-Application Information

3.1 Site Plan

3.2 Grading and Drainage Plan

3.3 Landscape Plan

3.4 Elevations

3.5 Narrative
3.6 Parking Analysis
3.7 Citizen Participation Plan
Exhibit 4-Citizen Participation Report
Exhibit 5-Letters of Support
Exhibit 6-Letters of Concern
Exhibit 7-Good Neighbor Policy