



## PLANNING DIVISION

### STAFF REPORT

#### City Council Hearing

**August 24, 2020**

CASE No.: **ZON20-00207**

PROJECT NAME: **SRF Holdings**

Owner's Name:	SRF Holding, LLC
Applicant's Name:	Rod Jarbo
Location of Request:	Within the 11200 block of East Ray Road (south side) and within the 5200 block of South Mountain Road (east side). Located west of Meridian Road on the south side of Ray Road.
Parcel No(s):	304-94-008
Request:	Rezone from Single Residence 43 (RS-43) to Neighborhood Commercial (NC). This request will establish commercial zoning for future development.
Existing Zoning District:	Single Residence 43 (RS-43)
Council District:	6
Site Size:	3.9± acres.
Proposed Use(s):	Neighborhood scale commercial uses
Existing Use(s):	Vacant
P&Z Hearing Date(s):	<b>July 29, 2020 / 4:00 p.m.</b>
Staff Planner:	Evan Balmer
Staff Recommendation:	Approval with Conditions
Planning and Zoning Board Recommendation: Approval with conditions	
Proposition 207 Waiver Signed: Yes	

#### HISTORY

The subject site is currently located outside the City of Mesa city limits and under the land use jurisdiction of Maricopa County. However, the applicant has applied to annex the property into the City of Mesa (Case# ANX20-00206). The planned annexation, if approved, will assign a zoning designation of Single Residence 43 (RS-43) on the property, which is comparable with the existing Rural 43 zoning designation within Maricopa County. The application for the annexation review is planned to be considered on the same City Council date and agenda.

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting to rezone the 3.9± acre subject site from RS-43 to NC to allow future development of the property for neighborhood commercial uses. There is no associated proposed development on the property. Per Sections 11-69 and 11-71 of the Mesa Zoning Ordinance (MZO), a Site Plan and Design Review is required prior to any development on the property.

### **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 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. As part of a total neighborhood area, this character type may also contain commercial uses along arterial frontages and at major street intersections.

Chapter 4 of the General Plan includes several key elements needed for creating and maintaining a variety of great neighborhoods, one of which is providing for diversity of housing types, people, and land uses. Per the General Plan, a primary component to providing diversity within great neighborhoods is the allowance for a mix of land uses for residential and supporting commercial developments. Another component of creating and maintaining strong neighborhoods is providing pedestrian and vehicular connectivity, as well as a walkable community. Also, providing a mixture of land uses in close proximity in a neighborhood affords residents the opportunity to walk or bike to service areas and not rely on automobile travel to access such community needs and services. In addition to providing a mixture of land uses within a walking distance in a community, the connections between the uses must also be safe and comfortable for people to use.

Per Chapter 7 of the General Plan, Neighborhood Commercial (NC) zoning is listed as a secondary zoning category within the suburban sub-type of the Neighborhood Character designation. The proposed rezoning request is consistent with the Neighborhood Character designation and the goals for creating a strong neighborhood. Allowing rezoning of the site to an NC district will provide opportunity for the development of neighborhood commercial uses to support the surrounding community to the site. 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:**

Per Section 11-6-1 of the Mesa Zoning Ordinance (MZO), the purpose of the Neighborhood Commercial zoning district is to provide areas for locally oriented retail service uses that serve the surrounding trade area within a ½ to 2-mile radius. Typical uses in the NC district include retail stores, grocery-store-anchored shopping centers, drug stores, restaurants and cafes. Currently, the closest commercially zoned property to the site is located approximately one mile away and designated as Limited Commercial (LC). Specifically, the property is located at the southeast corner of Warner Road and Mountain Road.

The requested rezoning is in conformance with the purpose of the NC zoning district and will provide an opportunity for the development of commercial to residents in the immediate area.

**Airport Compatibility:**

The proposed development is located approximately 3 miles to the northeast of Phoenix-Mesa Gateway Airport. The entire development boundary of the site is located within the Airport Overflight Area (AOA) 3. The site is not in the direct flight path of the airport runways; however, it is in close proximity and will likely experience noise from the airport. Per Section 11-6-2 of the Mesa Zoning Ordinance, commercial uses are allowed in the AOA 3 subject to specific conditions of approval (see condition number 4). The Phoenix-Mesa Gateway Airport staff reviewed the subject request and do not oppose the rezoning of the site of the site. Staff has included standard conditions of approval for noise attenuation and notification requirements to be given to future property owners regarding proximity of the site to the Phoenix-Mesa airport.

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

<b>Northwest</b> Across Mountain Road RS-6-PAD Single Residence	<b>North</b> Across Ray Road RS-6-PAD Single Residence	<b>Northeast</b> Across Ray Road RS-6-PAD Single Residence
<b>West</b> Across Mountain Road RS-6-PAD Single Residence	<b>Subject Property</b> RS-43 Vacant	<b>East</b> RU-43 (Maricopa County) Single Residence
<b>Southwest</b> Across Mountain Road RS-6-PAD Single Residence	<b>South</b> RU-43 (Maricopa County) Single Residence	<b>Southeast</b> RU-43 (Maricopa County) Single Residence

**Compatibility with Surrounding Land Uses:**

Currently, the subject property is a vacant parcel and is surrounded by vacant lots and residential development with varying densities to the east and south of the site. The surrounding properties to the west and north of the subject site are within the City of Mesa city limits and are developed with single family subdivisions. Overall, the proposed NC zoning district on the property will be compatible with the surrounding area and land uses. Also, the location of the property at the corner of an intersection of an arterial road and a collector road make it suitable for a neighborhood commercial zoning designation.

**Neighborhood Participation Plan and Public Comments**

The applicant has completed a Citizen Participation Process, which included letters to property owners within 1,000 feet of the site, as well as HOAs within ½ mile and registered neighborhoods within 1 mile of the site inviting them to provide comments about the proposed rezoning of the site. The applicant was contacted by four residents in the area who had questions relating to the allowed uses on the property if the NC zoning were to be approved. The applicant also conducted a neighborhood meeting on July 9, 2020 and seven residents were in attendance. The attendees at the meeting had questions related to allowed uses, screening, setbacks and building heights

and if this rezoning would lead to future rezoning in the area. Additionally, the applicant was contacted by one resident after the neighborhood meeting who had concerns about drainage in the area and also potential uses allowed on the site. As of writing this report, staff has received two phone calls from residents. One resident had questions about the uses allowed in the NC zoning district. The second resident had concerns about how future roadway improvements would impact drainage in the area and was opposed to the rezoning request because it would disrupt the continuity of the existing RU-43 zoning in the area. Staff will provide the Board with any new information during the scheduled Study Session on July 29, 2020.

**Staff Recommendations:**

The subject request is consistent with the General Plan and the purpose of the Neighborhood Commercial zoning district outlined in Section 11-6-1 of the MZO; therefore, staff recommends approval of the request with the following conditions:

**Conditions of Approval:**

1. Compliance with all City development codes and regulations.
2. Prior to any development on the property, submit a site plan for review and approval through the City's Site Plan Review process.
3. Compliance with all requirements of Design Review.
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. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner shall execute and record the City's standard Avigation Easement and Release for Phoenix Mesa Gateway Airport prior to the issuance of a building permit.
  - b. Prior to the issuance of a building permit, provide documentation that a registered professional engineer or registered professional architect has certified that noise attenuation measures have been incorporated into the design and construction of the homes to achieve a noise level reduction to 45 decibels as specified in Section 11-19-5 of the Mesa Zoning Ordinance.
  - c. Provide written notice to future property owners that the project is within 3 miles of Phoenix-Mesa Gateway Airport.
  - d. Provide a 4-foot x 4-foot sign at the entrance to the sales office for this development, with notice to all prospective buyers that the project is within an Overflight Area for Phoenix-Mesa Gateway Airport as specified in Section 11-19-5 of the Zoning Ordinance.
  - e. Provide a note on the final subdivision plat in accordance with Section 11-19-5(C) of the Zoning Ordinance that states in part: "This property, due to its proximity to Phoenix- Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."

**Exhibits:**

**Exhibit 1-Staff Report**

**Exhibit 2-Vicinity Map**

**Exhibit 3-Application Information**

3.1 Project Narrative

**Exhibit 4-Citizen Participation Report**

**Exhibit 5-Avigation Easement**