

MINUTES OF THE SEPTEMBER 9, 2020 PLANNING & ZONING MEETING

- *3-a ZON20-00283 District 2.** Within the 6000 block of East Baseline Road (north side) and within the 1900 block of South Recker Road (east side). Located at the northeast corner of Recker Road and Baseline Road. (6.7± acres). Rezoning from AG to RM-2-PAD; and Site Plan Review. This request will allow for a multiple residence development for townhomes. Ralph Pew, Pew & Lake, PLC, applicant; Pacific Rim Mesa 2 LLC, owner. **(Companion case to Preliminary Plat “Zen on Recker”, associated with item *4-a).**

Planner: Ryan McCann

Staff Recommendation: Approval with conditions

Summary: Staffmember Ryan McCann, Planner II, presented case ZON20-00283 to the Board. Mr. McCann explained this is a request to rezone the subject property from Agricultural to multiple residence 2 with a planned area development overlay (RM-2-PAD) to allow a multiple residence development for attached single residence (i.e townhomes) on the property. According to the applicant, the proposed product will be for sale and not a rental product. The property is located at the northeastern corner of Recker and Baseline road. The property to the west of the site is zoned PEP; the property south of the site (across Baseline Road) is within the Town of Gilbert; to the east of the site is an existing industrial development zoned LI; and to the north of the site are existing single-family residences. The General Plan Character Area designation is Neighborhood with a Suburban subtype. Per Chapter Seven of the General Plan, the goal of the character area is to provide for a diversity of housing types which allows for higher densities along arterial street frontages and major road intersections.

Mr. McCann explained that the request includes a site plan that shows 76 townhomes with a proposed central amenity space area. He stated the main entrance to the development will be off Recker Road. As part of the PAD request, the applicant is requesting modifications to the Mesa Zoning Ordinance that include: 1) a reduction in the minimum building and landscape setback along Baseline Road, from 30' to 20' ; 2) a reduction in the minimum building and landscape setback along Recker Road, from 25' to 20'; 3) a reduction to the perimeter setback along the east property line from 30' for buildings and 20' for landscaping to 20' for both building and landscape setbacks; 4) a reduction to the building separation requirement from 30' to 14'11"; and 5) a reduction in the requirement for garage doors to be recessed from the façade of the livable area above the garage from 3' to 0'. Mr. McCann further explained that the proposed site plan shows the development is exceeding the required private and public open space as outlined in the City's zoning code, and is providing a well-designed street frontage, with a unique perimeter wall design and additional landscaping along the arterial roads. Mr. McCann stated that the request did not including any modifications the required landscaping along the northern property line. This is to maintain the required landscape buffer to the neighboring residences to the north.

Mr. McCann stated that the applicant completed a Citizen Participation Plan and held two neighborhood meetings. The first meeting was an in-person meeting held in March and the second meeting was in June and via WebEx. Both meetings were well attended. The neighbors voiced concerns that included potential increased traffic on Recker Road, diminishing property values, a decline in the neighborhood atmosphere, and concerns with the overall development layout. Mr. McCann stated that Staff has received several letters in opposition and the letters were provided to the board members for review.

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Mr. McCann stated that the request complies with the 2040 General Plan and meets the review criteria for both a Planned Area Development and Site Plan Review from the Mesa Zoning Ordinance. Mr. McCann further stated that staff is recommending approval with conditions.

Applicant Ralph Pew, 1744 South Val Vista Drive, spoke to the Board on behalf of the owner, Pacific Rim. Mr. Pew explained that the requested deviations to the landscape requirements are located on the eastern boundary of the property where it adjoins the wall of an existing industrial development, and the property frontage to the south, and to the west. Mr. Pew stated, the deviations do not involve anything along the northern boundary where it joins the residential development. To justify the requested deviations, the proposed site plan shows that the setback along the northern property line exceeds the required setbacks from the zoning code, enhanced landscaping on both Recker and Baseline Roads, as well as a unique site wall design on these frontages, and an enhanced amenity facility in the development. The proposed site plan also exceeds the open space requirements of the City's code.

Mr. Pew explained the 6-acre subject site was part of a larger 327 acres parcel which was annexed into the City in 1982 and zoned Agriculture at the time. Currently, virtually all the land has been through some type of zoning changes and this is all that is left with the AG zoning.

Mr. Pew addressed some of the concerns the applicant has received from the neighbors. These included: 1) the additional traffic the development will bring to the area; 2) a question about if there can be an entrance on Baseline Road with a traffic signal on Recker Road; 3) will the neighbors be required to connect to the City sewer system; and 4) what impact will the development have on the neighbors privacy and property values.

Mr. Pew explained the applicant cannot construct an access point on Baseline Road because the parcel width is only 390' and only one driveway is allowed per 300' of property line. And the Town of Gilbert also has jurisdiction of Baseline Road which prohibits changes to the existing median. In reference to the request to install a traffic signal on Recker Road, the current and projected volume of cars does not warrant a signal at this time as well. Regarding the question of the residents being required to connect to City sewer, Mr. Pew explained the subject project will not require the residents to connect to sewer. The residents only be required if their existing septic system needs to be replaced.

Mr. Pew responded to the concern of the residents that their property values would decrease by stating that the property values are based on comparable properties in the area and the multi-family developments would not be comparable to their large lot single-family homes. And he believes the applicant is bringing in a product that does not exist in the area and will bring very middle-to-upper end qualifiers to purchase the homes.

Resident Russell Kennedy, 1831 South Recker Road spoke in opposition to the project. Mr. Kennedy feels the rezoning will destroy one of the last great communities in Mesa. He disagrees with Mr. Pew's statement that there is no opportunity for a commercial use on the property. Mr. Kennedy stated, the previous owners admitted they had been

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approached by various commercial uses such as a medical office. And he feels there will be a gridlock on Recker Road and he is skeptical of the results of the traffic study that was presented by the applicant. He informed the Board that has spoken with employees of DPS and ADOT and has been informed that if there are additional 190 cars on the road, there will be a major backup to get onto Baseline Road from Recker. He also stated that the neighbors take great pride in maintaining their properties and are constantly picking up and cleaning up waste on their streets. Mr. Kennedy further stated that Mr. Pew acknowledged in a public meeting that the development will decrease their property values, but they will still pay higher property taxes due to the value of the area. Mr. Kennedy asked the board, before they make the decision to rezone to a multi-family residential, ask the applicant to explain why they cannot secure a variance for the access to the development. Mr. Kennedy informed the Board that he understands the property will be developed eventually and feels this is the worst type of development for the area.

David Cutchen, 1851 South Recker Road, spoke in opposition to the project. Mr. Cutchen stated he agreed with everything Mr. Kennedy previously stated. He said that Mr. Pew stated Power and Higley Roads are very busy, and the addition of this high-density development will add more traffic to the roads. Mr. Cutchen informed the Board that the deviations the applicant is requesting to the project is insulting to him after he had to go through extensive and strenuous process to get his permits to build his home. Mr. Cutchen stated the project is a bad idea and he is very concerned about the effect it have on traffic in the area.

Kay Scott, 1855 South Recker Road spoke in opposition to the project. Ms. Scott stated she and her family have lived in their home for over 20 years and her property will be right next to the proposed project. All of the neighbors are like-minded people that enjoy having a bit of land with neighbors that treat each other like family. The community feels all of this is being taken away from them with the proposed project. She stated it is already difficult turning your vehicle onto Baseline Road and with the new project, vehicular traffic will increase in the area. Also, there are already tons of high-density housing projects in the area and there is no need for more. Ms. Scott stated she has heard the City of Mesa already has a reputation for building too many of these high-density developments and hope the board does not approve the project.

Staffmember Rebecca Gorton read from the comment cards staff received:

Peggy Urry, 1863 South Recker Road is opposed to the project and asked that her comment be read. She stated, "We absolutely oppose this! It will increase auto/foot traffic and decrease safety. It will increase light pollution and noise and decrease greenspace. This is not what we want for our neighborhood. We believe there are other opportunities for high-density living available elsewhere".

Amber Kennedy, 1831 South Recker Road is opposed to the project and asked that her comment be read. She stated, "I strongly oppose this proposal to rezone this area. I have been a Mesa resident my entire life. This community is the place that I chose to raise my children and spend the rest of my life. The addition of all these units will kill the rural feel and the sense of community that all of us on this street have".

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Michael Harbertson, 1721 South Recker Road is opposed to the project and did not want his comment read.

Mysti Brown, 1735 South Recker Road is opposed to the project and did not want her comment read.

Timmy Brown, 1735 South Recker Road is opposed to the project and asked that his comment be read. He stated, "I've had two family members as Mesa mayors, having an old partner as an ex-member of the planning and zoning board I understand the gravity of relationships. I know of Mr. Lake through their friendship. When I heard about this rezoning my statement was to use Pew and Lake "we won't lose" as our attorneys to fight this. When it came to light, he was representing the opposition I stated to my neighbors sorry we might be fighting a foregone conclusion because I understand his relationships. None the less I am in ABSOLUTE OPPOSITION to this project."

Brian Cichon, 1711 South Recker Road is opposed to the project and asked that his comment be read. He stated, "I oppose this project for a myriad of reasons which will be supported with my neighbors who will speaking on behalf of the residents of this project. The proposed entrance on Recker being the biggest reason. With only 1 entrance/exit being at Baseline, it will greatly impact our safety and traffic if 70+units/150+ cars enter our small street on top of the ADOT/Roosevelt Water/DPS vehicles that already access their areas via S. Recker Road".

John Beebe, 1755 South Recker Road is opposed to the project and asked that his comment be read. He stated, "My name is John Beebe me and my family have lived on Recker road for over 40 years. Through those years; Yes things have changed. But what hasn't changed is residents living on 1 or 2 acre lots. This has always been the attraction of out street. We are strongly opposed to having Zen on Recker Road at the end of our street, Due to traffic concerns. Adding another 80 families to a street that is only a 1/4-mile long will cause way too much pressure on the street. Along with the current families on the street we also have an ADOT office at the end along with DPS".

Mr. Pew responded to the comments and stated that from the beginning of the project, there has been a feeling on behalf of the neighbors that they oppose the multi-family nature of the project. The comments from the residents are heartfelt and from their perspective, the development is in the wrong location. However, the multi-family density is the exact type of project that the General Plan anticipates in the location. As much as the applicant wish they could come to a consensus with the neighbors, it was not possible and as consideration to the neighborhood concerns, the applicant increased the required landscape buffer on the northern boundary more than is required.

Mr Pew also informed the Board that receiving a variance approval for an access point on Baseline Road is an engineering and traffic safety issue that is not dealt with through the variance process or through staff and this board. Also, the Town of Gilbert controls the access points on Baseline Road and recommends the entrance remains off Recker Road. He stated he is at a complete loss as to how this project would change the nature and enjoyment of the surrounding property owners.

Boardmember Crockett stated one of the concerns of the residents was the wait time to turn onto Baseline Road and the increase of vehicular traffic from the development. Mr.

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Crockett inquired about the details of the traffic study and if there will be times when he residents would have to wait longer to turn onto Baseline Road. Mr. Pew responded yes, the wait times at Recker to turn either west or east on Baseline varies during different times of the day. He stated Baseline Road is a busy arterial road and it is unusual to have a quiet, not often used, road to intersect onto a busy arterial road and at times the wait could increase from other times of the day. Mr. Pew explained that although the development will have 76 homes, it is not an indication that there will be two vehicles per unit and all 152 vehicles exiting the development at the same time. A study of the potential trip generation manual was used by the Traffic Engineers to determine traffic patterns.

Chair Astle stated he would also like to address the traffic concerns with staff and confirmed staff was able to review with request with the Traffic Department. Dr. Appiah responded that development applications are reviewed by the City's Development Review team which includes the Transportation Department and staff will not be recommending approval if any Department had an outstanding and unresolved issue.

Peter Vargas, Transportation Plans Examiner with the Transportation Department, stated the Transportation Department review the project and the trip generation. He explained that based on the estimated trip general, the numbers does not warrant a traffic signal at the location. Chair Astle inquired if there is a number of trips where a signal would be determined to be necessary at the location. Mr. Vargas responded there is a means for citizens to request a traffic study at a particular intersection and the Transportation Department will conduct a study/count to determine if a traffic signal is warranted. He stated because Recker Road is a dead end it falls well below any threshold for a traffic signal at this time.

Boardmember Crockett asked if the development would impact the wait time at Recker and Baseline and if so, did staff factor this into the evaluation for wait times for the subject specific development. Mr. Vargas stated he would need to review the information and traffic counts again but he can say that each project is looked at individually, but all previous projects are taken into account for the overall impact and trip general for the area and corridor. Mr. Crockett asked if ADOT has any influence to get a signal at Recker since they operate a facility on Recker. Mr. Vargas responded that he is unaware any ideas and it comes down to how many trips are generated in the area. Mr. Vargas stated he will check with both DPS and ADOT to inquire what experience they have on this portion of Recker from the comments made by resident Mr. Kennedy.

Chair Astle stated he feels and understands the neighbors' concerns. The site is an empty parcel and not sure what the perfect situation would be to development and in such instances, he tends to lean closer to the staff recommendation for approval of the project. He feels the soft buffer between the existing developments is a good addition to the neighborhood.

Boardmember Boyle confirmed one of the comments from the neighbors was that the traffic count was thrown off due to the Covid-19 quarantine and that the Traffic Engineer stated the study comes from a national standard and there would not be deviations due to the current stay at home situation. Mr. Vargas responded the numbers used are national standards and are non-Covid related numbers.

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Mr. Boyle asks if anyone knows what the effect this project would have on property values on the surrounding area. Mr. Astle stated what is typically heard is that a single family attached project for ownership has a different type of owner and is expected to maintain property values. Mr. Boyle stated he does not see anything that prohibits this type of use on this property.

Boardmember Ayres stated he agrees with the comments from other boardmembers.

Boardmember Crockett stated he has read the comments submitted by the homeowners and what still troubles him is the issue of access in and out of the property. This development will add to the time to get onto Baseline from Recker Road and wishes there was a better resolution.

Boardmember Allen stated she is struggling with the project, specifically the amount of vehicular traffic to be general and the potential congestion. She stated there are two signals within a few 100' of each other and would be a way to get around the added congestion at the intersection. While the development offers a lot of amenities, there is still a lot of residences squeezed onto the lot. Ms. Allen stated she is torn between how she feels about the project, and understands what the developer wants to do and the increased buffer with added amenities, but also feels the neighborhood has a certain characteristic and how the project would affect their community. Boardmember Boyle clarified if Ms. Allen would feel comfortable if there were less units and not as many deviations. Ms. Allen responded if the developer had a better traffic pattern that did not impact the neighborhood, she may feel a bit comfortable.

Boardmember Boyle motioned to approve case ZON20-00283 and associated preliminary plat "Zen on Recker" with conditions of approval. The motion was seconded by Boardmember Ayers.

That: The Board recommends the approval of case ZON20-00283 conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with the final elevations submitted.
3. Compliance with the final landscape plan submitted.
4. Development to provide common amenities as shown on the final site plan submitted, including a swimming pool, ramada, fireplace, barbeque area, and a community amenity building.
5. 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.
6. Compliance with all requirements of the Subdivision Regulations.
7. 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

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- design and construction of the buildings 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 5 mile(s) of Phoenix-Mesa Gateway Airport.
 - d. Any proposed permanent or temporary structure 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. An FAA determination notice of no hazard to air navigation shall accompany any building permit application for the property.
 - e. All final subdivision plats and leasing offices shall include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which shall state 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."
8. 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:

MZO Development Standards	Approved
<u>Minimum Setbacks - Section 11-5-5 and 11-33-3</u> (building/landscape) <i>6-lane arterial (Baseline Road)</i> <i>Collector (Recker Road)</i> <i>Interior Side (East property line)</i>	(building/landscape) 20'/20' 20'/20' 20'/20'
<u>Building Separation – Section 11-5-5</u> <i>Minimum separation between buildings (2-story)</i>	14'11" Minimum
<u>Access, Circulation and Parking (attached garages)- Section 11-5-5</u> Garage doors to be recessed from upper story living façade	Garage doors do not have to be recessed

Vote: 3-2 Approval with conditions (Vice Chair Sarkissian and Boardmember Villanueva-Saucdo, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Boyle, and Ayers

NAYS – Allen, Crockett

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Note: Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov