



PLANNING DIVISION
STAFF REPORT

City Council Hearing

April 5, 2021

CASE No.: **ZON20-00628**

PROJECT NAME: **Heritage Grove Subdivision**

Owner's Name:	Heritage Group LP
Applicant's Name:	Jared Cox, Vista Design Group, LLC
Location of Request:	Within the 3600 to 3800 blocks of East McLellan Road (south side). Located north of Brown Road and east of Val Vista Drive.
Parcel No(s):	141-31-022B
Request:	Rezoning from Agriculture (AG) to Single Residence 35 (RS-35) with a Planned Area Development Overlay (PAD). This request will allow for the development of two single-residence subdivisions. Also consider the preliminary plats for "Heritage Grove" & "Mariposa Estates, Unit 2".
Existing Zoning District:	Agriculture (AG)
Council District:	5
Site Size:	9.4 ± acres
Proposed Use(s):	Single-Family Residential
Existing Use(s):	Single-Family Residential
P&Z Hearing Date(s):	February 24, 2021 / 4:00 p.m
Staff Planner:	Ryan McCann
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

HISTORY

On **September 24, 1979**, the City Council approved the annexation of a 2,207± acre area that included the subject property (Ordinance No. 1277).

On **February 18, 1980**, the City Council approved a comparable zoning designation of Agricultural (AG) for the subject property (Case No. Z80-018, Ordinance No. 1313).

PROJECT DESCRIPTION

Background

The applicant is requesting to rezone the site from Agriculture (AG) to Single Residence 35 with a Planned Area Development Overlay (RS-35-PAD) to allow development of a six lot and two lot subdivision with private streets within the development. The PAD request also includes modifying the required lot width for the proposed RS 35 zoning standards from 130' to 128'. Currently, the subject property has one single residence home on the property. This existing home will remain on the property and be part of the proposed subdivision. Per Section 11-30-6(H) of the Mesa Zoning Ordinance, all lots shall have frontage on a dedicated public street unless the development is approved with a PAD overlay to allow lots to front on a private street. As part of the request, the applicant is also requesting approval of a preliminary plat "Heritage Grove" (6 lot subdivision) & "Mariposa Estates, Unit 2" (2 lot subdivision)

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 Seven (7) of the Mesa 2040 General Plan, the Citrus sub-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 Mesa 2040 General Plan also highlights several sub-areas of Mesa that exhibit a unique character or history. Per the Plan, the goal of the sub-areas is to promote Mesa's identity by encouraging the revitalization, preservation or development of sub-areas of the city.

The Citrus area has been designated as a special sub-area of Mesa with an associated Sub-Area Plan. Per the Sub Area Plan, the purpose of such designation and plan is to provide estate-type residential uses and characteristics associated with large lot, residential development. The intent of the designation is to also encourage further transition to urban-type single residence uses from large lot, semi-rural, residential. It is also a goal of the Sub-Area plan to encourage maintain the rural citrus character of the area and new developments should be compatible with existing custom-build homes and citrus style landscaping.

Page 15 of the Citrus Sub-Area Plan outlines guidelines for citrus preservation and planting for residential lots. Per standards outline in the plan, residential developments are required to preserve two (2) rows of citrus along arterial streets, one (1) row of citrus trees planted along the side and rear property lines, and a minimum of four (4) citrus trees in the front area of the lot. The proposed landscape plan submitted with the request shows preservation of existing citrus trees on the site which is consistent with the guidelines from the subarea plan.

The requested zoning and preliminary plat conforms to the residential development guidelines outlined in the Citrus Sub-Area Plan. Per the guidelines, 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 proposed lot size and design of the development conforms to the requirement of the Sub-Area.

Zoning District Designations:

Per Section 11-5-2 of the Mesa Zoning Ordinance (MZO), the proposed rezoning of the property to the RS-35 zoning designation conforms to the goals of the General Plan and 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. The City's Falcon Field staff reviewed the subject request and had no concerns with the proposed development.

Planned Area Development (PAD) Overlay District – MZO Article 3, Chapter 22:

The subject request includes a PAD overlay to allow for modifications to certain required development standards of the MZO. Per Section 11-22 of the MZO, the purpose of the overlay is to allow innovative design and flexibility that creates high-quality development for the site.

Table 1 below shows the MZO required standards, the applicant's proposed PAD standards, and staff recommendations:

Table 1

Development Standard	Required RS-35	Proposed RS-35 PAD	Staff Recommendation
Minimum lot width – interior lot (ft.) <i>MZO Section 11-5-3(A)(1)</i>	130'	128' Only for lots 3 & 4 of Heritage Grove	As proposed
Lots and subdivision (street frontage) <i>MZO Section 11-30-6(H)</i>	Every lot shall have frontage on a dedicated public street unless the lot is part of an approved Planned Area Development.	The applicant is proposing to construct a private street within the development (Heritage Grove and Mariposa Estates Unit 2) and have the proposed lots front along the private street.	As proposed

As shown on the table above, the applicant is requesting the following modifications from the RS-35 zoning district development standards as outlined in Sections 11-5-3 & 11-30-6 of the MZO:

Lot Width:

Per section 11-5-3 of the MZO, the minimum lot width for interior lots in the RS-35 district is 130'. The applicant is requesting the lot width for lots 3 & 4 of the "Heritage Grove" preliminary plat to be 128', instead of the required 130'. The proposed reduction is due to curved street along the front of those two lots. From the preliminary plat, both lots do exceed the minimum size of 35,000 square feet required for the RS 35 zoning designation. The lots are proposed to be 36,000 square feet.

Lots and Subdivisions:

Per section 11-30-6(H) of the MZO, every lot shall have frontage on a dedicated public street unless the lot is approved through a Planned Area Development (PAD) to allow a private street system. The proposed PAD will allow the proposed lots to have legal frontage on a private street within the development.

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 likely improved interaction of the residents and strengthen the community. The size of the proposed lots also exceed the minimum required lot in the RS-35 district. Further, the site plan shows the minimum lot to be 36,000± square feet. Such large lots will allow adequate areas on the property to be utilized as open space and landscaping areas. The preservation of the Citrus trees on the property will also enhance the landscape terrain of the development. e.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across McLellan Rd) RS-35 Single Residential	North (Across McLellan Rd) RS-35 PAD Single Residential	Northeast (Across McLellan Rd) RS-35 Single Residential
West AG Single Residential	Subject Property AG Single Residential	East RS-35 PAD Single Residential
Southwest RS-35 Single Residential	South RS-35 Single Residential	Southeast RS-35 Single Residential

Compatibility with Surrounding Land Uses:

The subject site is adjacent to single-residence homes on RS-35 and AG zoned lots. The proposed rezoning of the property will not be out of character with the surrounding single-residence dwellings and uses.

School Impact Analysis:

Mesa Public Schools reviewed the request and has determined there is adequate capacity to serve the development.

Preliminary Plat:

The applicant is requesting preliminary plat approval for two subdivisions. The proposed preliminary plats show 6 lots within Heritage Gove (6.8± acres) and 2 lots within Mariposa Estates, Unit 2 (2.6± acres). 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. Review and approval of a preliminary plat is the second stage in the series of the progressive stages. This review includes the evaluation of the overall design of the subdivision and details, such as utilities layout, ADA compliance, and detention requirements. The preliminary plat is reviewed and approved by the Planning & Zoning Board. Per section 9-6-2 of the City's subdivision regulations, all plats are subject to Final Plat approval through the City Council. The request meets the review criteria for approval of a preliminary plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations.

Neighborhood Participation Plan and Public Comments

The applicant has completed a Citizen Participation Process which included mailed letters to property owners within 1,000-feet of the site, as well as HOAs within ½ mile and registered neighborhoods within one mile of the site. The applicant held a neighborhood meeting via a virtual format on October 6, 2020. Two neighbors attended the meeting and did not have any concerns with the proposed development. As of writing this report, the applicant has received two phone calls and one email relating to the project. According to the applicant, comments received from neighboring property owners involved inquiry about the timing of sale of the lots, coordination of irrigation needs for the development, and a request to be included on a contact list for future notifications for meetings. According to the applicant, they have responded to all the three inquires informing those residence of the following: 1) The timing of when the lots would be for sale is not determined at this time, 2) Coordination for the irrigation will be completed as part of the final engineering design stages, and 3) All those interested in being kept informed of future meetings, will be included on a master mailing list. As of writing this report, staff has not received any comments/concerns from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session on February 24, 2021.

Staff Recommendations:

The subject request is consistent with the General Plan and meets the review criteria for Planned Area Development Overlays outlined in Section 11-22-5 of the MZO, and meets the review criteria for approval of a preliminary plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations. Therefore, staff recommends Approval of the request with the following condition:

Conditions of Approval:

1. Compliance with the landscape plan submitted.
2. Compliance with the preliminary plat submitted.
3. Compliance with all requirements of the Subdivision Regulations.
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 Falcon Field Airport prior to the issuance of a building permit.
 - b. 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.
 - c. 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 buildings to achieve a noise level reduction to 45 decibels as specified in Section 11-19-5 of the Mesa Zoning Ordinance.
 - d. Provide written notice to future property owners that the project is within 2 miles of Falcon Field Airport.
6. 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:

Development Standard	Approved
<u>Minimum lot width – interior lot (ft.)</u> <i>MZO Section 11-5-3(A)(1)</i>	128' Only for lots 3 &4 of Heritage Grove
<u>Lots and subdivision (street frontage)</u> <i>MZO Section 11-30-6(H)</i>	Construct a private street within the development (Heritage Grove and Mariposa Estates Unit 2) and have the lots front along the private street.

Exhibits:

Exhibit 1- Vicinity Map

Exhibit 2- Staff Report

Exhibit 3- Application Information

3.1 Project Narrative

3.2 Preliminary Landscape Plan

3.3 Preliminary Plats

Exhibit 4- Citizen Participation Plan

Exhibit 5- Citizen Participation Report