



PLANNING DIVISION
STAFF REPORT

City Council Hearing

April 19, 2021

CASE No.: ZON20-00877
PROJECT NAME: Los Nietos Subdivision

Owner's Name:	Brent /Deborah Berge
Applicant's Name:	Jared Cox, Vist Design Group, LLC
Location of Request:	Within the 2400 block of North Old Gilbert Road (east side) and within the 2000 block of East Hermosa Vista Drive (north side). Located south of the 202 Red Mountain Freeway and east of Gilbert Road.
Parcel No(s):	141-06-013E
Request:	Rezoning from Single Residence 35 (RS-35) to Single Residence (RS-15) with a Bonus Intensity Zone (BIZ) Overlay; and approval of a preliminary plat for "Los Nietos". This request will allow for the development of a single residence subdivision.
Existing Zoning District:	RS-35
Council District:	1
Site Size:	4.55± acres
Proposed Use(s):	6-lot single residential subdivision
Existing Use(s):	Single Residential
P&Z Hearing Date(s):	March 24, 2021 / 4:00 p.m.
Staff Planner:	Jennifer Gniffke, Planner I
Staff Recommendation:	Approval with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

HISTORY

On **August 25, 1979**, the City Council approved the annexation of an approximately 2,225± acre area that included the subject property (Ordinance No. 1277).

On **February 18, 1980**, the City Council approved a comparable City of Mesa zoning designation of Single Residence 35 (R1-35) on the subject property after the annexation (Case No. Z80-020B, Ordinance No. 1313).

PROJECT DESCRIPTION

Background:

The subject request is to allow the development of a 6-lot single-residence subdivision on a 4.55± acre property. Currently the subject property is developed with one single residence home within a grove of citrus trees. The applicant is requesting to rezone the site from Single Residence 35 (RS-35) to Single Residence 15 (RS-15) with a Bonus Intensity Zone (BIZ) Overlay and a preliminary plat for “Los Nietos”. The purpose for the BIZ overlay is to allow for modifications to the required lot widths, setbacks, perimeter wall height, and retention basin design within the subdivision.

General Plan Character Area Designation and Goals:

The General Plan Character area designation on the property is Neighborhood with a sub-type of Suburban as defined in Chapter 7 of the General Plan. Per Chapter 7 of the General Plan, the primary focus of the neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The suburban neighborhood character type is primarily single residence in nature with most lots ranging in size from 6,000 sq. ft. to 18,000 sq. ft. As part of a total neighborhood area, this character type may also contain areas of duplexes and other multi-residence properties and commercial uses along arterial frontages and at major street intersections. Schools, parks, and religious institutions are frequently found in these neighborhoods. Streets in the character area are generally wide and contain sidewalks on both sides. Further, the character area includes some form of accessible, usable community space spread throughout the community to provide a focus for smaller neighborhood areas (p. 7-10 of the Mesa 2040 General Plan).

Staff reviewed the request and determined it is consistent with the criteria for review outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. Per Chapter 7 of the General Plan, Single Residence 15 (RS-15) is listed as a primary zoning district within the suburban sub-type. The proposed request to rezone and plat the property is consistent with the goals of the neighborhood character designation.

Zoning District Designations:

The subject request is to rezone the subject property from RS-35 to RS-15 with a BIZ Overlay for the development of a single residence subdivision. Per section 11-5-1 of the Mesa Zoning Ordinance (MZO), the purpose of the single residence district is to provide areas for detached single residence housing at densities up to seven units per net acre. Per Section 11-5-2 of the MZO, the proposed RS-15 use is allowed in the proposed single residence district.

Bonus Intensity Zone (BIZ) Overlay – MZO Article 3, Chapter 21:

The subject request includes a BIZ overlay to allow for modifications to certain required development standards of the MZO. Per Section 11-21 of the MZO, the purpose of the overlay is to provide for variation from the application of residential densities and other development standards to allow greater intensity of development and encourage unique, innovative developments of superior quality.

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

Table 1

MZO Development Standards	Required	Proposed	Staff Recommendation
<u>Minimum Lot Width – MZO Table 11-5-3.A.1</u>	110'	61.45' for Lots 3 & 4	As proposed
<u>Minimum Front Setback – MZO Table 11-5-3.A.1</u>	22'	5' for Tract A	As proposed
<u>Minimum Side Setbacks – MZO Table 11-5-3.A.1</u>	Min. either side: 7'; Min. aggregate of both sides: 20'	Minimum side setback of 10' for lots 3 and 4 adjacent to the central amenity area on the plat; Minimum aggregate of both sides: 20'	As proposed
<u>Minimum Rear Setbacks – MZO Table 11-5-3.A.1</u>	30'	10' Rear setback for the east property line of lots 3 & 4	As proposed
<u>Maximum Wall Height – MZO Section 11-30-4(A)(1)(b)</u>	6'	8'	As proposed
<u>Retention Basin Design – Basin Layout MZO Section 11-33-6(B)</u>	Basin layout shall be irregular in shape, contoured and designed as an integral part of the landscaping theme.	Basin edges match the shape of the tennis court and adjacent gathering area (Exhibit 3.3)	As proposed
<u>Retention Basin Design – Retaining Walls MZO Section 11-33-6(D)</u>	Retaining walls shall not exceed 25 percent of the basin perimeter, measured at the high waterline. The maximum height of retaining walls is 18 inches.	Retaining walls shall not exceed 70% of basin perimeter, measured at the high waterline. The maximum height is 36" (Exhibit 3.3)	As proposed

As shown on the table above, the applicant is requesting the following modifications from the MZO as outlined below:

Minimum Lot Width – Interior Lot: Per Table 11-5-3.A.1 of the MZO, the minimum lot width for interior lots in the RS-15 zoning district is 110 feet. The applicant is requesting reduction to the minimum lot width for lots 3 and 4 to be 61.45 feet. As shown on the documents submitted, the reduction in the lot width for Lots 3 and 4 shown on the plat is due to the uniqueness of the lots as a result of their location on a cul-de-sac and adjacent to the proposed central amenity area in the development (see exhibit 3.2).

Minimum Front Setback: Per Table 11-5-3.A.1 of the MZO, the minimum required front setback to livable areas, porches and porte cocheres in the RS-15 zoning district is 22 feet. The applicant is requesting a minimum 5 -foot front setback for Tract A. This will allow for a shade structure to

be built closer towards the front (west) of the amenity area providing shade from the western sun.

Minimum Side Setbacks: Per Table 11-5-3.A.1 of the MZO, the required side setbacks in the RS-15 zoning district are a minimum of 7' for one side with a minimum aggregate setback of 20' for both sides of the required side setbacks. The applicant is proposing a minimum side setback of 10' with an aggregate side setback of 20'.

Minimum Rear Setback: Per Table 11-5-3.A.1 of the MZO, the required rear setback in the RS-15 zoning district is 30'. The applicant is proposing a 10' rear setback for the eastern property line of Lots 3 and 4. From the proposed plat, lots 3 and 4 are uniquely shaped due to their location on a proposed cul-de-sac and a proposed central amenity.

Maximum Wall Height: Per Section 11-30-4(A)(1)(b) of the MZO, no fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of six feet in the agricultural and residential zoning districts. The applicant is requesting the maximum height of the perimeter walls to be 8'. According to the applicant, the request is to ensure safety and security of residents in the subdivision. To mitigate the increased height of the walls, the applicant is proposing superior design for the wall (Exhibit 3.3) as well as improved landscaping along the side of the walls.

Retention Basin Design: Per Section 11-33-6(B) of the MZO, retention basin layout shall be designed to be irregular in shape and contoured as an integral part of the landscaping theme. Per Section 11-33-6(D) of the MZO, retaining walls shall not exceed 25 percent of the basin perimeter and the maximum height of retaining walls is 18 inches. From the landscape plan and written narrative submitted (Exhibits 3.1 & 3.3), the basin consists of the proposed tennis court and adjacent recreational gathering area. The north, east and south sides of the rectangular tennis court are bordered by a 36-inch-tall retaining wall, and the adjacent gathering area is bordered by a 12-inch-tall retaining wall. The total perimeter length of the retention basin is 466 ft and the approximate length of retaining walls is 322 ft (which is 70% of the basin perimeter).

Overall, the proposed development complies with requirements of a BIZ overlay outlined in Section 11-21 of the MZO. The submitted plans show distinctive, superior quality design of the proposed perimeter wall and the amenity area in the subdivision.

Preliminary Plat:

The applicant is requesting preliminary plat approval for "Los Nietos." The proposed preliminary plat shows six lots and a common tract fronting on to a public street. The tract will be used as an amenity area that includes a tennis court and recreational gathering area.

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 proposed request meets the review criteria for approval of a preliminary plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (across Old Gilbert Road RS-35 Church	North RS-15 Single Residence	Northeast RS-15 Single Residence
West (across Old Gilbert Road RS-35 Church	Subject Property RS-35 Single Residence	East RS-35 Single Residence
Southwest (across Old Gilbert Road) RS-35 Church	South (across Hermosa Vista Drive) RS-15 Single Residence	Southeast (across Hermosa Vista Drive) RS-15 Single Residence

Compatibility with Surrounding Land Uses:

The property is zoned Single Residence (RS-35). Currently, there are single residence subdivisions zoned RS-15 to the north and south of the subject property, a church zoned RS-35 to the west, and a single residential property zoned RS-35 to the east. The proposed request to rezone the property to RS-15 with the associated preliminary plat to allow a 6-lot single residential subdivision will not be out of character with the surrounding area.

Neighborhood Participation Plan and Public Comments:

The applicant 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 on January 5, 2021 via a virtual format, 15 people attended the meeting. The applicant and City staff also received correspondence from one of the surrounding property owners regarding the proposed development. Key topics and questions raised during the meeting and posed in the neighbor's correspondence were regarding the height of the proposed homes and the preservation of citrus trees. The applicant responded, that although the homes are anticipated to be single-story in height, the zoning of the property would allow up to two-stories, commensurate with the height allowed for the surrounding properties. The applicant further explained, that due to the age of the existing trees and their declining health, they were not planning on maintaining any of the existing citrus on the site. The applicant shared with meeting attendees the proposed landscape plan showing the use of densely planted citrus-like trees (Red Push Pistache) along Hermosa Vista Drive and Old Gilbert Road. The applicant also expressed a willingness to maintain up to five citrus trees per lot. The applicant has provided a Citizen Participation Report that includes detailed responses to the comments and questions received from neighboring property owners.

School Impact Analysis:

Staff sent the application information to Mesa Public Schools to provide review comments. As of writing this report, staff has not received comments from the school.

Staff Recommendation:

The subject request is consistent with the General Plan and meets the review criteria for Bonus Intensity Overlays outlined in Section 11-21-5 of the MZO, and the 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 conditions:

Conditions of Approval:

1. Compliance with the preliminary plat submitted.
2. Compliance with the landscape plan submitted.
3. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIZ and shown on the following table:

MZO Development Standards	Approved
<u>Minimum Lot Width</u> – <i>MZO Table 11-5-3.A.1</i>	61.45’ for Lots 3 & 4:
<u>Minimum Front Setback</u> – <i>MZO Table 11-5-3.A.1</i>	5’ for Tract A
<u>Minimum Side Setbacks</u> – <i>MZO Table 11-5-3.A.1</i>	Minimum side setback of 10’ for lots 3 and 4 adjacent to the central amenity.
<u>Minimum Rear Setbacks</u> – <i>MZO Table 11-5-3.A.1</i>	10’ Rear setback for the east property line of lots 3 & 4
<u>Maximum Wall Height</u> – <i>MZO Section 11-30-4(A)(1)(b)</i>	8’
<u>Retention Basin Design</u> – <i>Basin Layout</i> <i>MZO Section 11-33-6(B)</i>	Basin edges match the shape of the tennis court and adjacent gathering area (Exhibit 3.3)
<u>Retention Basin Design</u> – <i>Retaining Walls</i> <i>MZO Section 11-33-6(D)</i>	Retaining walls shall not exceed 70% of basin perimeter, measured at the high waterline. The maximum height is 36” (Exhibit 3.3)

4. Compliance with all requirements of the Subdivision Regulations.
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.

Exhibits:

Exhibit 1-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3-Application Information

3.1 Project Narrative

3.2 Preliminary Plat

3.3 Landscape Plan

Exhibit 4-Citizen Participation Report